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Digest of rules and
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DIGEST OF RULES AND PROCEDURE
OF THE
INFERIOR COURTS
OF
THE FREE CHURCH OF SCOTLAND.

DIGEST

OF

RULES AND PROCEDURE

OF THE

INFERIOR COURTS

OF

THE FREE CHURCH OF SCOTLAND.

WITH AN APPENDIX

CONTAINING FORMS AND DOCUMENTS.

BY THE

REV. ROBERT FORBES, A.M.,

MINISTER AT WOODSIDE,

AND JOINT-CLERK OF THE FREE CHURCH PRESBYTERY OF ABERDEEN.

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PREFACE.

THE want, it is believed, has been felt of some manual similar to that by Dr Hill, adapted to the Free Church, embodying the numerous enactments of that Church since its separation from the State in 1843, and particularly comprising a brief but comprehensive account of the court to which is committed the management of the temporalities of its various congregations. The present volume is an attempt to supply that want, and to furnish a guide especially for the use of elders and deacons, and the younger ministers of the Church, in the discharge of their ecclesiastical duties; and no effort has been spared to make the information given sufficiently precise, and in every important particular to be relied upon.

The author has been for some years conjoined with a beloved brother,—the Rev. Mr Spence of St Clement's,—in the office of clerk of one of the largest Presbyteries, and his attention has been, in consequence, much directed to the laws of the Church, and particularly to the rules which regulate the procedure of the inferior courts. In preparing the following pages,—in addition to the Acts of Assemblies and “Pardovan's Collections,”—the well-known and standard volume of Dr Hill, above referred to, and

the useful and extremely accurate work by the Church Law Society, have been freely consulted. Some assistance, chiefly on the general plan of the volume, has been also got from the admirable little compendium drawn up by order of the Synod of the United Presbyterian Church, for the regulation of the courts of that influential body. The author has to express his obligations to his colleague, Mr Spence, for some valuable hints which the long experience and accurate business habits of that gentleman so well qualified him to give. He has especially to refer with the deepest gratitude to the important aid he obtained, while the work was passing through the press, from his much-esteemed friend and predecessor in the ministry, the Rev. Andrew Gray of Perth, who kindly revised the proof-sheets, and made numerous suggestions tending to ensure clearness and accuracy of statement. No one is more thoroughly acquainted with the Presbyterian constitution and forms than Mr Gray; and the fact that this work had the benefit of passing under the eye of so accomplished a Church lawyer, must tend to give those who consult it a confidence in its general accuracy, which it could not otherwise have commanded. It cannot, indeed, be expected to be entirely free from error, but it is believed that nothing of importance will be found misstated. On some minor points, discussed chiefly in the notes, there is room for difference of opinion among those most versed in Church law; but with regard to these, every one may be safely left to judge for himself.

With regard to the principal laws passed since 1843, the special acts in which they are embodied are quoted in the text, so that reference may be made to them if re-

quired. This plan has not been so generally adopted with reference to the enactments previous to the Disruption. The mode of conducting discussions and taking votes in the General Assembly has been detailed as applicable to the inferior courts. In strict law, no Presbytery or Synod is bound to abide by these regulations; but it is desirable that the mode of conducting business in the Supreme Court should, as far as possible, be followed in those subordinate to it, as nothing will be found more conducive to the right discharge of Presbyterial duties than a regular and orderly plan of procedure.

In accordance with the design already stated, the work is confined to the inferior courts of the Church; but every thing essential to a knowledge of the functions and procedure of the General Assembly will be found scattered throughout its pages, and may be discovered by consulting the Index. Were it deemed requisite that it should embrace a more formal account of the Assembly, this could be easily supplied afterwards if the work met with general approval.

An extensive Appendix has been added, consisting of styles, forms of documents, &c. This the author believes will be found not the least useful part of the volume, and he trusts that many details there given will be found of use to his younger brethren. At the suggestion of one or two of these, there have been appended a few forms for the discharge of some of the chief duties of the pastoral office. A copious Index is furnished, which, together with the rubrics appended to the text, will make the volume easily consulted as a book of reference. Any suggestions for the improvement of the work, if a subsequent edition

should be called for, will be gladly received. The writer has only to add that while no small labour has been expended on the volume, he gladly gives it as an humble contribution in furtherance of the interests of a Church to which he feels a great and growing attachment, and as a token of affection for his fellow-labourers in the same great work, for promoting the Divine glory, and advancing the temporal and spiritual well-being of Scotland.

WOODSIDE FREE CHURCH MANSE,
February 15, 1856.

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DIGEST, &c.

CHAPTER I.

THE DEACONS' COURT.

1. THIS body was called into existence shortly after the Disruption in 1843, for the purpose of managing the secular affairs of congregations. The principal act which describes its functions is that of Assemb., May 1844, xv., which finally became the law of the Church, by Assemb. 1846, vii. In this act it is said that this body "may be called the Deacons' Court;" and this name accordingly has been universally adopted. Deacons have existed from the earliest times (see Acts vi., and 1 Tim. iii.), and they were actively employed in the purest periods of the Church of Scotland, chiefly in attending to the wants of the poor; but in the Free Church only have they been embodied along with the elders in a distinct court, for the management of the temporalities of congregations.

Constitu-
tion.

2. The peculiar duties of deacons are thus stated (Assemb. 1846, vii.) :—(1.) To give special regard to the whole secular affairs of the congregation; (2.) To attend to the gathering of the people's contributions for the sus-

Duties of
Deacons.

tentation of the ministry, and to receive the donations made for other ecclesiastical purposes; (3.) To attend to the congregational poor; and, (4.) To watch over the education of the children of the poor. Along with the elders they may receive the Sabbath collections* of the people, according to such arrangements as may be made by the Deacons' Court. It is their duty to visit periodically the districts assigned to them, and to cultivate an acquaintance with the members and adherents of the Church resident therein. When a sufficient number of deacons cannot be had, the elders may be employed as deacons; while, on the other hand, the deacons may assist the elders with their advice, whether in session or otherwise, when required so to do. According to Pardovan (book i. title 8, § 3), the deacons may be employed to provide the elements, to carry them, and serve the communicants at the Lord's table. While the Deacons' Court now provides the elements, the latter duties are now universally discharged by the elders; but in case of deficiency in point of number, it is competent for the deacons still to be employed for these purposes.

SECTION I.—MEMBERS.

Members.

1. The members of the Deacons' Court are, (1.) The Minister or Ministers of the congregation; (2.) The Elders or Members of the Kirk-Session; and, (3.) The Deacons.

* It is perhaps well that elders as well as deacons should share in this duty, in order to do away with an impression which seems to linger in some places, that anything connected with money matters is out of the province of the elders. It must never be forgotten that the elders are also deacons; and elders should make it a matter of conscience to attend regularly the meetings of the Deacons' Court.

According to the theory of the Presbyterian Church, the greater office involves the less: the ministers and elders are therefore deacons, and, as such, sit and act as members of this court. All the members are thus deacons, and have equal rights, and hence the appropriateness of the name—the Court of Deacons. The minister or ministers are the teaching elders of the congregation; and their election is described under the chapter devoted to the Presbytery. The ruling elders are fully described under the next chapter on the Kirk Session. It only remains here to speak of the deacons strictly so called.

2. The deacons are elected by the members of the congregation in any way deemed most convenient. There is no minute and detailed directory for their election; but the general principles on which it is to be conducted are laid down in the Act of Assembly, Oct. 1843, vi., and enacted Assembly 1846, xiv.* The election may be made at a general congregational meeting, presided over by the minister, or by means of schedules,† duly filled up by the communicants, and handed in to the Session; which body takes the whole charge of the election, by determining when an election is required, judging of the qualifications of the persons elected, and finally ordaining those elected, accepting, and qualified.‡ The qualifications of deacons are described in the passages of Scripture above referred to, and are stated in the Books of Discipline to be similar to those of the ruling elders.—(See Chap. II., Sect. 1.) After being duly elected, the steps are to be gone through which will be described afterwards in the case of elders. Their

Election of
Deacons.

* This act is printed at length in the Appendix No. III.

† See a convenient form of schedule in Appendix No. II., 3.

‡ See forms of procedure in Appendix No. I., 2.

ordination is similar in every respect, only substituting the word "deacon" for "elder." The deacon was at first elected to discharge the active duties of the office for a year—with power to be re-elected; but now when elected he holds office till removal, death, or deposition.

Permanent
office-
bearers.

SECTION 2.—OFFICIALS.

Officials.

1. Besides an Officer, who is generally the church-officer, and who waits upon its meetings and executes its orders, the officials of the Deacons' Court are, (1.) The Chairman or Moderator; (2.) The Clerk; and, (3.) Two Treasurers.

Chairman.

2. The Minister, when present, is Moderator or Chairman. Where there are colleagues, they may preside either alternately, or according to any arrangement mutually agreed upon; and when the one presides, the other, if present, sits and votes as an ordinary member. In the absence of the minister, any member of the court, whether elder or deacon, may be elected by the meeting as chairman. The minister when presiding, or the chairman thus elected, has not a deliberative, but simply a casting vote in case of equality.

Clerk.

3. The Clerk is elected by the court, and is generally one of its members. He may have such a salary as is agreed upon. His duty is to keep an accurate roll of the members, and a faithful record of all their proceedings, to be engrossed in a book provided for the purpose.

Treasurers.

4. The Treasurers are elected by the court, and are always members thereof. They are two,—(1.) The General or Congregational Treasurer, whose duty it is to keep the whole accounts of the congregation, and to receive and disburse all its moneys, except the Sustentation, Educa-

tion, and Missionary Funds ; (2.) The 'Associational Treasurer, whose duty it is to receive all the moneys raised by the associations for the Sustentation of the Ministry, for Education, and Foreign Missions, and transmit the same monthly, or otherwise, to the General Treasurer of the Church in Edinburgh.

SECTION 3.—MEETINGS.

1. The Deacons' Court meets as often as is necessary, and is convened by citation from the pulpit, or by personal notice to the members. It is convenient to have a fixed time of meeting—*e. g.*, once a month ; but a meeting may be called at any time by the authority of the minister, or at the requisition of any three members, addressed to the minister, or, during a vacancy, to the clerk.

Meetings,
how con-
vened.

2. Three members—*i. e.*, two and a chairman—constitute a quorum. Every meeting is opened and closed with prayer, and this must be stated in the record. The meeting does not commonly adjourn, like that of the Presbytery, from one sederunt to another ; but when the business is finished, it terminates, and is convened again either at the usual fixed time, or at any intermediate period, in the way above related.

Quorum,

SECTION 4.—JURISDICTION.

1. This court has the charge and management of the whole property belonging to the congregation, including church, session-house, manse, school-buildings, &c., and of all its secular affairs, including, of course, the appropriation of seats, with the determination of all questions

Juri dic-
tion.

relating thereto; and it is the province and duty of said court to transmit to the General Treasurer of the Church the sums contributed to the Sustentation Fund, and to apply the remaining congregational funds, in fitting proportions, to the support of the minister, the payment of the salaries of the various subordinate functionaries, and the defraying of all necessary charges connected with the property or with the dispensation of Christian ordinances; to apply, moreover, any surplus which may thereafter arise to religious, ecclesiastical, educational, or benevolent objects; likewise to make special collections at the church-door for the temporal relief of poor members of the congregation, and for the education of the children of the poor; and, finally, to receive the deacons' reports of their proceedings, to give them such advice and instructions as may be required, and to decide as to the payments to be made by them for the relief of the poor and the education of youth.—(Assemb. 1846, vii.) The business to be transacted consists, therefore, in the administration of the funds, and property, and temporal affairs of the respective congregations.—(Assemb. 1847, xiv.)

Local Trustees.

2. The members of this court are the Local Trustees, in whom the property of the congregation is vested and held for it as connected with the Free Church. There is a model trust-deed, after which all title-deeds of Free Church property are to be executed. (See the Model Deed in the Appendix to Assembly Acts, 1851.)* Provision is also made for the disposal of the property of the Church,

* See also the Titles Act (13 Vict., c. xiii.), printed in the Appendix to Assembly Acts, 1850. In accordance with the provisions of this act the trust-deed is drawn up.

in the event of a disruption, by Act xviii., Assembly 1844. A list of the surviving and accepting General Trustees of the Church will be found in Assembly Acts, 1855, p. 238. See also Assemb. 1844, xxvi., and 1852, p. 460.

3. The Deacons' Court has also the right of giving or Rights. withholding the use of the church, or other ecclesiastical buildings, for meetings not strictly of a religious, ecclesiastical, or charitable nature. In all other cases, and especially when divine service is to be performed, the church is solely at the disposal of the minister. The church-officer and door-keepers are appointed or dismissed by this court. In the Act anent Deacons' Courts, there is no mention made of the election of the Precentor, and it Precentor. is doubtful to whom this right now belongs. Originally the precentor appears to have been simply the minister's substitute for conducting one part of public worship; and he was generally the session-clerk or schoolmaster. His election would therefore naturally devolve on the minister; but in practice it is found expedient to give the congregation a voice in the election of this functionary. The usual way is for the Deacons' Court to make out a list of three or more candidates qualified for the office, from among whom the members of the congregation, at a meeting held for that purpose, may elect a precentor.*

4. In most cases, the Deacons' Court has the right of Congrega-
tional
Teacher. electing the Congregational Teacher; and if so, he is under its jurisdiction, and the regulations of the school as to fees, &c., devolve on it. The teacher, when elected,

* As to the mode of conducting the part of divine worship that devolves on the precentor, and other matters connected with his office, the jurisdiction obviously lies in the Kirk-Session.

requires to be examined by the Presbytery, and the appointment to be minuted and confirmed by that court.* Deacons' Courts are at liberty to avail themselves of the advantages to be derived from conforming to the Minutes of the Privy Council on Education. (Consult the Resolutions of the Assembly on this subject, 1847, iv. See also Acts, 1847, p. 50, and 1849, x.) The Assembly has declared that there is no valid objection on principle in the way of accepting aid from public grants given unconditionally and freely for the support of schools. The Education Committee is instructed, along with Presbyteries, to give advice to such parties as may wish to apply for grants. Every congregation, or other party within the spiritual jurisdiction of the Church, is expected to consult the Presbytery and the Education Committee before applying to the Privy Council for any grant, either for building schools, or assisting to maintain them; and before accepting the same, care must be taken that nothing in the terms of acceptance be contrary to the principles of the Church, or her rights with regard to her schools. To all these schools her Majesty's inspectors are freely admitted; and one or more inspectors are specially appointed by Government for visiting annually the Free Church schools connected with the Privy Council scheme.

Special collections.

5. To the Deacons' Court belongs the right of making collections at the church-door, especially for the poor, or the education of their children, besides those appointed by the General Assembly, or recommended by the other courts. It alone determines whether seat-rents are to

Seat rents.

* See further on this matter under the chapter devoted to the Presbytery.

be charged, or whether the seats are to be allocated free, and what amount of rent the seats are to bear. All questions or disputes anent seats are decided by this body.

6. To every Deacon there is assigned a district of the congregation. He should keep an accurate roll of all the members and adherents resident within this district. It is his duty to see that the collectors are accurate and punctual in gathering in the funds for the support of the ministry, education, and missions; and it is also his duty to visit at least every half-year, personally, his district, to cultivate an acquaintance with all within its bounds, and to seek to stimulate, by every Christian and prudent means, the liberality of the portion of the congregation under his charge. Districts.

SECTION 5.—BUSINESS.

1. At a meeting of the Deacons' Court, after being constituted by prayer, the clerk reads over the minute of the former meeting, which being approved of, is afterwards engrossed in the record. The court then takes up any business which was left over, in the order in which it appears in the minute of the former meeting; if it be the ordinary meeting, it then receives the funds collected by the deacons for the sustentation of the ministry, and also for education. Thereafter it warrants any accounts that have to be paid by the congregational treasurer; and, finally, disposes of any other business within its province. Order of procedure.

2. It appears, then, that the main business of this court is the ingathering and the disposal of the funds of the congregation, and these will now be briefly adverted to in order. Chief business.

Funds.

3. **INGATHERING OF THE FUNDS.**—The funds of the congregation may be thus divided :—(1.) For the Sustentation of the Ministry generally ; (2.) For the Sustentation of the Minister of the Congregation, and upholding of ordinances in the same ; (3.) For the support of Education ; and, (4.) For Missionary and Benevolent objects.

Fund for sustentation of ministry generally.

4. The Sustentation Fund is raised by all the congregations of the Church, according to their ability, and distributed equally among the ministers of sanctioned charges, when no other special arrangement is made by the General Assembly. The poorest congregations are thus enabled to possess a gospel ministry,—the strong assist the weak,—and divine ordinances are enjoyed by multitudes who would otherwise be deprived of them. It is justly termed, humanly speaking, “the sheet-anchor of the Church,” and forms one of the grand peculiarities of the Free Church, coming in place of those state endowments given up for conscience’ sake in 1843, and securing alike the independence and comfort of the ministers, and the good of the people. Hence it is the duty of every adherent, and especially of every member of the Church, raised above the ranks of pauperism, (1.) to contribute to this fund ; and, (2.) to give to it “as the Lord has prospered him.” Not even the poorest is to be denied the privilege of adding his mite to this great Home Missionary Fund.—(Mark xii. 41, &c.) Though subscription to the Sustentation Fund is not a term of communion, yet no one can be a consistent member of the Church who, if able, refuses to contribute to it ; inasmuch as he thus wilfully violates an important gospel law.—(See 1 Cor. ix. 11, 13, 14 ; Gal. vi. 6.) The object of the Sustentation Fund is to provide

for every minister an income of at least £150 per annum (exclusive of the Widows' Fund), and a free manse. The ingathering of the fund is entrusted specially to the deacons. For this purpose it is common to divide the parish, district, or town, where the congregation is situated, into a convenient number of small districts. Over every district there is placed a deacon, and under him a sufficient number of collectors, whose duty it is to gather in the contributions from those resident there—either weekly, monthly, quarterly, or otherwise, as may be preferred. Every collector has a book, in which are inserted the names of all the members and adherents in the portion of the district attached to each collectorship. Immediately previous to the meeting of the Deacons' Court the collectors hand in these books, with the amount contributed, to the deacons of their respective districts, and the deacons copy the subscriptions into their district-books, and produce these at the meeting, with the sum total received. The clerk of the court, or the associational treasurer, has a general register,* containing the names of all the members and adherents of the congregation as they appear in the district-books of the deacons and collectors; and it is his duty to mark every subscription received in this register. The register, of course, has to be revised and corrected, as occasion requires; but care should be taken that it at all times corresponds with the books of the deacons and collectors, as to the order of the names which it contains, for thereby much trouble is saved in transferring

* Copies of this register, with supplies of deacons' and collectors' books, may be had gratuitously, on applying to the Superintendent of Associations, at the Offices of the Church, 53 Frederick Street, Edinburgh.

the various subscriptions. It is the duty of the deacons to visit personally their districts, and also occasionally to go along with the collectors in order to obtain new or enlarged contributions, and to see that the lists be kept in a correct state—noticing, as soon as possible, any changes or removals that may take place. Where a party removes to another district, the deacon of that district should be apprised of the fact without delay, and the name duly transferred in the collector's book and general register. At least twice a-year a systematic visitation should be made of every district by its deacon, and the duty of contributing urged anew, on gospel grounds, on any who may have hitherto stood aloof.

Fund for
Education.

5. In the absence of any national provision for education on a non-sectarian basis, an Educational Fund has been instituted for providing salaries to teachers connected with the Church. (See Assembly, 1846, xiii. ; 1847, iii. ; 1848, x. ; 1849, x. ; and 1851, xi.) It is worked on similar principles and in the same way as the Ministers' Sustentation Fund ; and though in all probability but a temporary scheme, it is in the meantime of great importance, and it should receive the support of the members of the Church. Its object is, (1.) To provide part of the support of those teachers who were deprived of their livings at the Disruption for adhering to the principles of the Free Church ; (2.) To uphold the Normal Schools in Edinburgh and Glasgow for the training of teachers ; and, (3.) To supply salaries to teachers of congregational schools throughout the land. Its design is thus, in a word, to provide for all classes of the community—but especially for the children of the adherents of the Free Church—a sound and scriptural education.

Special collectors are appointed in the various congregational districts for gathering in this fund, and these report their contributions to the deacons in the way already described.

6. The Congregational funds accrue from three sources : Congregational funds, Collections.
- (1.) From the ordinary church-door collections, which are made at every diet of worship, either before or after divine service. (2.) From seat rents. Seat rents. In some congregations no seat rents are charged, but the seats are allocated by the Deacons' Court, and a right to particular sittings is thus given to certain persons just as if paid for. The Glasgow Assembly (1843, v.) discouraged seat rents, except for the payment of debt, defraying feu-duties, and such like ordinary current expenses.* In most cases, however, and universally it is believed in towns, seat rents are charged and paid half-yearly, and their amount is fixed by the Deacons' Court. (3.) From donations and bequests.† Donations.
7. The Missionary funds are raised, (1.) By a Foreign Missionary Association,‡ to be connected with every congregation, composed of all who subscribe to any amount for the support of the Foreign Missionary operations of the Church. This association has a separate organization, with collectors, &c., and meets at least quarterly, for Fund for Foreign Missions.

* This has been generally looked upon as injudicious and uncalled-for, except, perhaps, with reference to some country districts, where the people have been unaccustomed to rent sittings. Accordingly, in practice, it is not acted upon in most cases; and the Church raises annually a very large revenue from seat rents. The above act also requires, that in congregations which have no debt, the proceeds of seat rents, after defraying feu-duties and such like ordinary current expenses, should be remitted to the Sustentation Fund.

† For forms of bequest to the various Schemes of the Church, see Appendix No. II., 2.

‡ See Assembly Acts, 1850, p. 243; 1851, p. 348, 359; 1852, p. 462; 1853, p. 61; and 1854, p. 130.

prayer, and the diffusion of missionary intelligence; but the amount of its funds appears in the congregational books, and is accordingly reported to the Deacons' Court at least before the close of the financial year. Its funds are collected quarterly. It is the duty of every congregation to have such an association, as thereby it evidences a missionary spirit, aids in diffusing the blessings of salvation, and exhibits its willingness to fulfil the Saviour's last great commission (Mark xvi. 15), and fulfils one of the chief ends of a Christian church (Ps. lxxvii. 1, 2.) (2.) By special church-door collections for the Schemes of the Church, in accordance with the act of Assembly passed annually on the subject. These Schemes—besides those for Education, Foreign Missions, specially provided for as above—are, [1.] The Colonial and Continental scheme; [2.] Scheme for the Conversion of the Jews; [3.] The Home Mission and Church Extension; [4.] Scheme for the Support and Propagation of the Gospel in the Highlands and Islands. Besides these, there is a special annual collection made for the Theological Institutions, or Colleges, until sufficient endowments be provided; and occasionally the Assembly either enjoins or recommends collections to be made for the purposes of church building, for the Aged and Infirm Ministers' Fund, or for any other religious or benevolent scheme it is deemed necessary to countenance and support. The times for the collections for the Schemes and College are specially fixed by an act of Assembly, read from all the pulpits immediately after the rising of that body;* and these collections are to be made, in every case, on the day appointed, except when such day is the one set apart for

* See, for example, Assembly, 1855, x.

the celebration of the Sacrament of the Lord's Supper ; in which case the collection is to be made on the Sabbath immediately preceding. Where there exists no missionary association in a congregation, a collection for Foreign Missions has also to be made annually. Due intimation of all these collections is to be given on the Sabbath preceding,* and the various objects recommended to the liberality of the people. Where a collection is simply recommended, not enjoined, by the Supreme Court, the Deacons' Court has a discretionary power as to making it or not. The inferior courts have no right to enjoin a collection, but may recommend one to be made.

8. Extraordinary collections are to be made for the poor members of the congregation, and they may also be made for such religious and benevolent objects as the Deacons' Court approves of ; but in all such cases, and indeed in the case of every special collection whatever, it is recommended that the average ordinary collection be deducted (Assembly, 1847, xiv. note), so that the ordinary funds of the congregation may not suffer, and the important objects to which they are assigned may be duly carried out.

Extraordinary collections.

9. DISPOSAL OF THE FUNDS.—The funds thus raised are to be appropriated, (1.) Generally for the purpose of upholding a gospel ministry and religious ordinances in Scotland in connection with the Free Church ; and, (2.) Specially for upholding these in connection with the particular district or congregation concerned. It belongs to the Deacons' Court therefore, (1.) To pay over, without deduction, all

Funds how disposed of.

* The " Monthly Communication " in reference to these collections, as well as to the principles and operations of the Church generally, is to be circulated among the congregation as widely as possible, by placing copies in the pews, or distributing them by means of the collectors.

the funds collected for special objects—such as those for Sustentation and Foreign Missions—and also the collections for the schemes and other objects, under deduction of the average ordinary collections; and, (2.) To dispose of the other funds under their charge in the most just and prudent manner, according to the laws of the Church. On the former of these duties nothing more requires to be said, as the court acts simply as the agent in handing over the contributions of the people to the proper quarters; but in the discharge of the latter of these duties there is considerable discretionary power given to it, and therefore some of the chief objects to which these funds are to be appropriated may here be adverted to.

Ministers'
Stipend and
Supplement.

10. The Stipend of the Minister is in most cases mainly derived from the dividend of the Sustentation Fund; but this dividend has hitherto been inadequate for his due support, and it is the consequent duty of the congregation, through the Deacons' Court, to give him an addition to his income from their own funds; and this is called a Supplement. The Assembly at Glasgow (1843, v.) earnestly recommended the several congregations to make such efforts to supplement the deficiency of the Sustentation Fund as may more adequately compensate the ministers for the sacrifices they have made; and subsequent Assemblies have pressed this duty on Deacons' Courts. The following recommendations were made on the subject by the Assembly, 1847 (xiv. note):—" (1.) That the minister's supplement be understood to consist of the money paid to him during any one year out of the congregational funds, or by his congregation, in order that, including the dividend for that year from the General Church Fund, he

may have a suitable maintenance; (2.) That after deducting feu-duty, the cost of insurance, the salaries of beadle and precentor, presbyterial, synodical, and assembly charges, and the current yearly expenses that are necessary for the maintenance of public worship, and the due administration of gospel ordinances, an adequate supplement for the minister be provided out of the congregational funds, before these funds are held applicable to any other purpose whatsoever; (3.) That the minister's supplement be paid at the terms of Whitsunday and Martinmas." A declaratory act passed in Assembly 1848 (xvii.) is still more explicit. It declares that the minister's supplement is to be derived from the church-door collections, and that the main and primary object of all the ordinary collections is the support of the minister; and that, excepting what may be required for feu-duty, insurance, salaries, &c., as stated above, no sums whatever (even for objects that are highly laudable in themselves) ought to be paid out of the funds arising from the ordinary church-door collections, until that object is suitably and adequately accomplished. This act was deemed so important that it was directed to be read and engrossed in the record of every Deacons' Court, at the first meeting after it reached the hands of the moderator or elerk. It appears, then, that the whole proceeds of the church-door collections, after certain deductions as above stated, go by right to form the minister's supplement; and that to dispose of the ordinary collections for other purposes, while the minister is not adequately provided for, is a misappropriation of the funds.* There may occur cases, on the

* It is desirable, wherever practicable, that the minister should have

other hand, where the supplement given is excessive, as being quite disproportionate to the amount raised by the congregation for the Sustentation Fund. In such cases, as well as in those where a supplement is unduly withheld, or is less than it ought to be, the General Sustentation Committee are empowered to bring the matter under the notice of the Presbytery of the bounds, who are to inquire into the circumstances, and to report the result of their investigation to the Committee, by whom the attention of the Assembly may be called to the matter, if they see it to be necessary.—(Assembly, 1848, xvii.)

Supporting
ordinances.

11. The payment of certain charges, as specified above, for upholding public worship, forms the primary burden on the church-door collections, and all the accounts on these matters are to be presented to the court, and warranted by it, and then paid by the congregational treasurer. It is convenient to hold a half-yearly financial meeting previous to Whitsunday and Martinmas, for the purpose of warranting the term accounts, and generally for looking into the financial state of the congregation.

Debt.

12. In cases where debt exists on the ecclesiastical buildings, the payment of the interest thereof, and the gradual liquidation of the principal sum, form a primary burden upon the seat-rents. The existence of debt should always be regarded by a congregation as an unmitigated evil,—pressing injuriously upon its resources, and crippling all

a salary allowed him on certain fixed and understood principles by his Deacons' Court,—subject, of course, to alteration, when occasion requires it. It is not agreeable to a minister to have his salary discussed—probably altered—every half-year. Let his allowance from the General Fund be supplemented wherever such supplement can be given, up to a certain fixed sum, proportionate to the means of the congregation.

its efforts,—and special means should be taken to get rid of it as soon as possible. At present (1856) a great and united effort is being made to sweep off all the debt on our ecclesiastical property. This, however, can only be accomplished by every congregation labouring under this incubus doing its utmost for itself, and by the hearty co-operation of all in the good work. If this be done, we hope that the Free Church will soon be in the desirable position of owing no man anything.

13. Special collections may be made for the poor connected with the congregation, and the amount given to them either statedly or occasionally. By the regulations of the Glasgow Assembly (1843, v.) it is enacted, that the sum required for making more comfortable the poor of the congregation be raised by extra collections for that specific object. See also Assembly, 1844, ix., where Deacons' Courts are earnestly recommended to pay special attention to the state and condition of the poor within their bounds. It is a usual practice to appropriate the collections on the communion Sabbaths for this purpose, and to distribute the sum raised immediately thereafter to poor members, in such proportions as is deemed best.*

* We have been informed that in some cases Parochial Boards have reduced the allowances of the poor by the sum thus given by Deacons' Courts with a view to promote a little the comfort of the destitute, and to show their Christian sympathy with the poorer members of Christ's flock. Such a procedure does not need to be characterised. In such cases it would be foolish for Deacons' Courts to waste their funds in order to relieve the parochial assessment; but the deacons may find other and more private means of adding to the comfort of their poorer brethren. We should like to see the time come when every Christian church maintained its own poor out of love to the Saviour. Then an assessment would be required for the support of those only who are unconnected with any Christian community. In

SECTION 6.—MISCELLANEOUS.

Record and
accounts.

1. The congregational accounts are closed on the 15th of March every year. As soon after this date as possible, these accounts* are to be audited and duly attested by the moderator, and, along with the record containing the minutes † of the previous year, are to be sent to the Presbytery of the bounds, so as to be laid before it at its first ordinary meeting after the 15th of March. It is the duty of the Presbytery to examine and attest these books, after which they are returned to the clerk and congregational treasurer.

Annual Con-
gregational
Meeting.

2. On the first Monday after the attestation of the record and treasurers' account by the Presbytery, or on some convenient day of the first or second week thereafter, a congregational meeting is to be held, called by citation from the pulpit. The minister, if present, presides; and if absent, any office-bearer of the congregation, elected for the occasion. The Deacons' Court then gives a report of its proceedings for the preceding year, by reading the accounts, or an abstract of them, and detailing any matters of interest that have occurred. This

that case all out-of-door relief might be entirely abolished, and the vicious poor thus prevented from turning public charity into a means of upholding intemperance. We believe that this plan, could it be carried out, would be the cheapest and best for all classes.

* A simple and convenient way of keeping the congregational accounts will be found in the Appendix No. II., 1. It has been recommended by one of the largest Presbyteries of the Church, and has been found to work well.

† The record of every meeting must be signed by the moderator and clerk, and it is convenient to have marginal notes or rubrics of the business transacted. A few styles or forms of minutes of the ordinary business of the Court are given in the Appendix No. I., 1.

may be done either by a formal written report, or by simply reading the rubrics of the record, and giving such explanations as may enable every one to understand the nature of the business transacted. Any additional information or explanations that may be asked are to be given, and the members of the congregation present are entitled to make any suggestions for the consideration of the court with reference to the future distribution of the funds. The meeting, however, has no right to change or reverse any of the acts of the court, but may freely express its opinion on any of these acts, or on any of the subjects referred to in the record or accounts, and give such advice as it may deem proper, leaving it to the court to follow such advice or not as it sees fit. Every Deacons' Court, however, will be disposed to give due weight to the opinion of a congregation thus legitimately expressed. It is the practice in some places previous to the congregational meeting to exhibit the record and accounts to the congregation, by allowing them to lie in some convenient place for the inspection of any members who may choose to examine them.

3. An appeal from a decision of the Deacons' Court is not usually sustained, for it has been declared by the Assembly Appeals, &c. inexpedient to sustain complaints or appeals against its ordinary administration in secular or financial affairs.— (Assembly, 1847, xiv.) A member, however, may dissent from any finding of the court, and place his reasons in the record (if given in at the time) for so doing; but he cannot usually complain to a higher court. It is to be observed, that all the proceedings of this court are subject to the review of the Presbytery, and are regularly brought under

its notice by the annual examination of its record and accounts; so that by this means any step taken or resolution adopted of a censurable nature, or in violation of the laws of the Church, can be checked, and means taken for having it altered or reversed.

Relation to
Session.

4. The Deacons' Court and Session are to be regarded as co-ordinate courts, having separate and independent jurisdictions. There is, therefore, no appeal from the one to the other, nor can the proceedings of the one be reviewed, altered, or reversed, by the other, while each remains within its own province. By carefully attending to the jurisdiction and duties of each, all collision will be avoided.

CHAPTER II.

THE KIRK-SESSION.

1. THE Kirk-Session is the lowest spiritual court of the Church. The gradation is,—Kirk-Session, Presbytery, Provincial Synod, and General Assembly; and there is an appeal from the one to the other in all matters within their province—the judgment of the Assembly being final. Gradation of Courts.

2. The Session rules over the congregation in the Lord, seeking to promote, in every scriptural way, the religious interests of those within its jurisdiction, whether members or adherents, of every age. Province of the Session.

SECTION I.—MEMBERS.

1. The members of the Kirk-Session are,—(1.) The Minister or Ministers of the congregation. He is, of course, admitted to his office by a higher court, but at the first meeting of Session after he becomes moderator, the fact of his admission, and the date thereof, should be minuted.

(2.) The Ruling Elders. They are so called in contradistinction to the teaching elder, who labours in word and doctrine. The special duty of the ruling elder is to govern the flock in spiritual matters.—(1 Tim. v. 17.) Ruling Elders.
The qualifications of the ruling elder are described in Qualifications.

Scripture very plainly, and also in the standards of the church. (See Rom. xii. 8.) His personal qualifications indeed as to purity and piety are the same as those required in the teaching elder or minister; and he is to be an example to the congregation “in word, in conversation, in charity, in spirit, in faith, in purity” (1 Tim. iv. 12), and is to “follow after righteousness, godliness, faith, love, patience, meekness.”—(1 Tim. vi. 11.) In the First Book of Discipline, the qualifications of elders (and the same apply to deacons) are very fully stated thus—“Men of best knowledge in God’s word and cleanest life, most faithful and of most honest conversation that can be found in the Kirk.”—(Chap. x. 1.) The judicatories of the Church are required by the Assembly to take good heed that none be admitted to or continued in the office of an elder but such as are “tender and circumspect in their walk, and punctual in their attending upon ordinances, and strict in their observation of the Lord’s day, and in regularly keeping up the worship of God in their families.”—(Assembly 1722, ix.) It is required, moreover, that he be in full communion with the Church in connection with the congregation over which he is placed, and have attained the age of twenty-one years.—(Assembly 1816, x.)

Election.

2. The election is in the hands of the members in full communion* (Assemb. 1846, xiv.), and may be made in any convenient way, so as to secure that the persons chosen be

* For the election of elders a minute directory was given in the Act of Assembly 1842, x.; but this act is superseded by the more general enactment of 1843, vi., ratified by Assembly 1846, xiv., where it is simply declared that the election of elders and deacons should be conducted on the same general principles as the election of ministers.—(See Chap. iii., sect. 5. 14.)

bona fide the choice of the majority of the people. The Session alone determines when it is expedient to have an election of elders, and what number is required; and it takes the whole steps in the matter. No special form of procedure is laid down by the Church, but a convenient method is to get the communicants, either at a congregational meeting or by schedules circulated among them, to nominate individuals considered by them qualified to fill the office. All the persons thus nominated form a list, from among whom alone the elders are to be chosen, either at a public congregational meeting,* or, what is more convenient, by printed schedules, containing the names of the nominees. The communicant voting writes down the names of the persons for whom he votes (the number thereof not to exceed the number of elders to be elected), attaching his signature thereto, and seals the document. These schedules may then be opened at an open meeting of the Session, when the state of the vote is announced, and the number of persons required having the highest amount of votes declared to be called by the congregation to the eldership.† On the point, whether female members should vote for elders and deacons, the Church has given no judgment. It is very properly, in the meantime, left an open question, which every Session may determine for itself; but it is believed that in practice the right of voting is very generally conceded to all communicants without distinction. After the election the call of the congregation is intimated to the

* At such meeting, just as in a meeting for electing a minister, none can take any part in the proceedings but those whose names are on the communion-roll, and who are free from censure.

† See Forms of Procedure in Appendix No. I., 2, and Nomination and Election Schedules, No. II., 3.

persons chosen, and they are dealt with as to accepting the office, while, at the same time, the Session judges of their qualifications, personal and official, as laid down in the standards of the Church. A power to reject elders thus elected is vested in the Session, subject, of course, to the review of the higher courts; but this, however, should always be exercised with great prudence on the part of the Session, and a collision between that body and the congregation is to be avoided as much as possible, consistently with a faithful discharge of duty. If the Session be satisfied, it appoints the day of the ordination of the new elders, and directs an edict to be issued in common form* on a convenient Sabbath, at least ten free days before a day of meeting appointed therein. On the day specified in the edict the Session meets, and on finding that it has been duly served, calls for objections by the officer at the most patent door of the church. If any such are given in, they are discussed and decided on, after leading proof if necessary. If none be given in, the ordination is proceeded with on the day previously decided on. It is generally on Sabbath, after one of the usual services. The Session having been duly constituted, the moderator reads a short narrative† of the proceedings from the commencement, which being done, the elders elect stand up, and the moderator puts to them the questions required to be put by the Act of Assembly 1846, xii.‡ Satisfactory answers being given, he then sets them apart by solemn prayer to the office of the ruling eldership, and

* For the form of the edict, see Appendix No. II., 4.

† For the form of this document, see Appendix No. II., 5.

‡ See the questions in Appendix No. IV.

commends them to the grace of God. There is no imposition of hands, but when the ordination prayer is offered, the moderator formally admits them members of the Kirk-Session and to the spiritual rule of the congregation, and then gives them the right hand of fellowship, in which he is followed by all the other elders present. The service is closed by a suitable exhortation to them, and then to the people. When the congregation has retired, the newly ordained brethren sign the formula* prescribed by Assembly 1846, xii., take their seats as members of Session, and have their names added to the roll. If there be no other business, the meeting of Session is closed in the usual way.

3. Where a congregation is without elders, or where the Session becomes extinct by its number sinking below a quorum, the authority of the Presbytery is required to institute or revive the court. Where additional elders are required during a vacancy in a congregation, it is also proper that the authority of the Presbytery be obtained previous to taking any steps to supply such deficiency. It is also in the power of the Presbytery, when there is a deficiency of elders in a Session, or when a case of difficulty requires it, to appoint assessors to a Session, composed of certain members of Presbytery, whether ministers or elders, who sit and act as members of said Session *pro tempore*. These assessors, along with the minister or moderator, may, if they please, ordain elders in the usual way, so as to form a *bona fide* Session in the congregation.

Congregation without Elders, &c.

* The formula is just the substance of the questions previously put and answered, and the signing of it is virtually the signing of the Confession of Faith. See the Formula in Appendix No. VII.

Admission of
Elders pre-
viously or-
dained.

4. When elders are elected who have been previously ordained, the act of ordination is not repeated,—that is, the ordination prayer is omitted; but, with this exception, the same forms are gone through as in the case of parties not previously ordained.

Elders from
other congre-
gations.

5. Elders coming from other congregations are not admitted members of Session, unless duly elected by the congregation to which they have come, and all the above forms gone through, inasmuch as the right of election is now in every case vested in the members of the congregation, and not in the Session, as it once was.

Election for
life.

6. Ruling elders are elected for life, or until their demission be accepted, or they be deposed. If, however, an elder neglects to discharge his duties for a twelvemonth, either from non-residence or other cause, the Session may, if it sees fit, intimate to him by letter that he is no longer one of their number, and his name is removed from the roll.

Duties.

7. The peculiar duties of elders are thus stated by the Act of Assembly 1846, vii. :—(1.) That they sit in Session along with the minister, and assist in the administration of discipline, and in the spiritual government of the church; (2.) That they take a careful oversight of the people's morals and religious principles, of the attendance upon public ordinances, and of the state of personal and family religion; (3.) That they visit the sick from time to time in their several districts; (4.) That they superintend the religious instruction of the young, and assist the minister in ascertaining the qualifications of applicants for admission to sealing ordinances; (5.) That they superintend and promote the formation of meetings within their districts for

prayer, reading of the Scriptures, and Christian fellowship among the members of the Church. Elders, as well as deacons, may receive the Sabbath collections of the people, according to such arrangements as may be made by the Deacons' Court; and it is competent for elders to be employed as deacons, as the greater office involves the less, but this is to be done only in the absence of a competent number of deacons. Elders are to visit periodically the districts assigned to them, and cultivate an acquaintance with the members of the Church residing therein. Elders are always employed in serving at the Lord's table, receiving the tokens from those who take their seats there, and distributing among them the elements. The elders are also required to take every fitting opportunity of pressing home on the families of their respective districts the religious claims of the Sustentation Fund.—(Assemb. Oct. 1843, v.)

SECTION 2.—OFFICIALS.

1. Besides an officer who is appointed to attend its Officials. meetings and execute generally its orders, the officials of the Kirk-Session are, (1.) The Moderator; and, (2.) The Clerk.

2. The moderator is the minister of the congregation, Moderator. when present; but in his absence any minister appointed by him may preside, *pro tempore*. When there are two ministers they may preside alternately, or according to any arrangement agreed upon between themselves—the one, not presiding, if present, sitting and voting as an ordinary member. During a vacancy, the Presbytery appoints one

out of its number, generally a neighbouring minister, as moderator. The presence of a minister is essential to constitute a Session. The moderator has no deliberative vote, but he may express his sentiments and record his dissent from any resolution come to. He is the organ of the Session for delivering its judgments, and giving its admonitions, rebukes, &c. He has a casting vote in case of equality.

Clerk. 3. The clerk is appointed by the Session, and has sometimes a salary. He may or mayⁿ not be a member. When appointed, he makes a solemn declaration that he will faithfully discharge the duties of his office. The formal oath, "*de fidei*," it is believed, is now seldom administered.* His duties are to keep an accurate roll of the members, to execute the orders of the court, to write regular minutes of its proceedings, and to engross the same in the Session record.

SECTION 3.—MEETINGS.

How convened.

1. The Session is convened by citation from the pulpit, or by personal notices sent to the members. It may meet at any time by authority of the moderator, when he sees fit, or by command of the superior courts. It is more convenient, however, to hold stated meetings,—*e. g.*, once a month. The moderator and two members constitute a quorum. The meetings are opened and closed with prayer, and both these acts must be stated in the minutes, otherwise it is not a regular meeting. The names of all the elders present are entered on the record.

* See Appendix No. II., 10.

The Session cannot meet while the Presbytery or Synod with which it is connected is actually sitting, as its moderator is supposed to be attending to his duties in these higher courts. No adjournment from one sederunt of session to another ordinarily takes place; but when the business is over, the meeting is closed *simpliciter*.

2. The meetings of session, inasmuch as it is a court chiefly for private business connected with the spiritual interests and state of the congregation, are not held in public. It is not an open court, except on some special occasions, publicly intimated, such as the admission of young communicants. It appears, however, that the deacons have the privilege of attending its meetings, if they think fit. Such, at least, was the old practice, and their names may be entered after the sederunt as present, but they can take no part in the business of the court, unless called upon to do so. They merely sit as assessors in any matters which concern their own peculiar functions, and, of course, have no vote; but when required, they may give their opinion. The Session also may require the attendance of any or all the deacons at any meeting, if it wishes to consult them.

SECTION 4.—JURISDICTION.

1. To the Session belongs the spiritual oversight of the congregation; and all that appertains to its religious concerns, in regard both to worship and discipline, falls within its sphere. Hence it fixes the hours of public worship, and takes oversight of the psalmody; it settles the time for dispensing the sealing ordinances of religion,

and judges of the qualifications of those who desire to partake of them. In particular it appoints the times for the dispensation of the sacrament of the Lord's supper, and the several days of humiliation, preparation, and thanksgiving connected therewith. It may also appoint special days either of fasting or thanksgiving in the congregation, when it considers such to be for edification. It admits members into communion either for the first time or by receiving them from other congregations, and it grants certificates to members leaving the congregation;* it exercises discipline over the members, when required, by admonition, rebuke, suspension, or exclusion; and it restores those who have been suspended or excluded, when penitent.

2. To the Session also belongs the receiving and accepting the resignations both of elders and deacons, and appointing new elections when it judges expedient. It determines both the time and circumstances of such elections, and the number of additional office-bearers that are required, and superintends the whole proceedings according to the laws of the Church.—(Assemb. 1847, xiv.)

3. The Session has also the sole right of calling congrega-

Congrega-
tional Meet-
ings.

* For form of certificate see Appendix No. II., 6. No individual elder has any right to give a certificate of membership. It is a sessional act. Certificates are signed by the moderator and clerk in name of the Session; and while it would be inconvenient to give such lines only while the Session is convened, it were well if the names of parties getting lines were reported at the next meeting. At all events, the fact of a certificate being granted must be immediately marked in the communion roll, and the date of the disjunction. When a member has left the congregation some time back, it is sufficient to certify that up to that date he was in full communion; but at the same time it is right to add what is known of the character and deportment of the person up to the date of the certificate.

tional meetings, and no such meeting is valid without its authority, or that of a higher court. At these meetings, the Minister, if present, presides, or, in his absence, some minister appointed by him, or by the Presbytery if there be a vacancy.—(Assemb. 1847, xiv.)

4. One Session cannot interfere with nor review the proceedings of another Session. If it feels aggrieved or injured by any proceedings in another Session, it may remonstrate in a friendly way; and in extreme cases may complain of such proceedings by petition to the Presbytery, which will deal in the matter as it sees for edification.

5. Each elder has, in ordinary cases, a district assigned to him, and he has to keep an accurate roll of all the members in it, and to visit them from time to time, especially in cases of affliction. He has also to take special charge of the young therein, and to promote, in every prudent way, the best interests of those who are thus entrusted to his care.

SECTION 5.—BUSINESS.

1. Every meeting of Session is constituted by prayer by the moderator, and the sederunt taken down. The minute of the former meeting is then read and approved of, so that it may be engrossed in the record. The Session then takes up any matters that may have been left over, in the order in which they appear in the minutes. Any new cases of discipline are then taken up, and any parties who are in attendance are called in, and their cases disposed of; and it finally takes up any business within its jurisdiction that may present itself: its main object being the spiritual

order of business.

good of the congregation and the advancement of the divine glory throughout the Church and the world.

Chief business.

2. The main business of this court, however, may be comprised under two heads, viz. :—(1.) The Dispensation of Sealing Ordinances; and, (2.) The Exercise of Discipline.

Sealing ordinances.

3. DISPENSATION OF SEALING ORDINANCES.—The Session alone authorises the dispensation of Baptism and the Lord's Supper. Practically, in the case of baptism, where the parent is in full communion, the matter is left to the moderator;* but where the parent is a non-communicant, it is proper that the Session be consulted, and give authority for the administration of the ordinance. Catechumens are received by authority, and often in presence of the Session, and are generally referred to the moderator, who meets with them on various occasions for their instruction and examination; and sometimes an examination takes place in presence of the Session, and the members take part in it. The qualification for church membership in the sight of God is a saving interest in the covenant of grace, of which the Lord's supper is a sign and seal,—in other words, the possession of personal piety; but as this can be judged of only by outward appearances, it consists in the sight of man of a credible profession of religion. This comprises three things: (1.) A profession of faith in Christ, including baptism and attendance on the means of grace; (2.) A life and conversation corresponding to this profession; and, (3.) A competent knowledge of the gospel

* Baptism is always administered by the minister, *quod* moderator of the Session, by whose authority alone, expressed or implied, can any one be admitted to sealing ordinances.

scheme in general, and of the nature and design of the Lord's supper in particular. On all these points the Session has a right to judge. In deciding, however, that one is qualified to sit down at the Lord's table, it passes no judgment regarding his personal piety; nor does it stamp him as a converted person, but simply judges that his profession is credible. The young communicants, on being found duly qualified, are admitted to the communion of the Church by the Session, and this is often done at a public service in the presence of the congregation; and sometimes the young persons are required to give their assent to the great doctrines of the gospel, and make certain promises as to their conduct as church members.* After being thus admitted, their names are added to the communion roll, and they receive tokens of admission to the Lord's table.

4. Previous to the dispensation of the Lord's supper, it is the practice of Sessions to purge the roll; that is, each elder reads the names in his district roll, and notice is taken of any member who has been absenting himself from ordinances, or acting in any way inconsistent with his profession, short of open scandal. Such persons are generally dealt with privately by the moderator, or the elder of the district, and either admitted to communion, or refused admission for the time being, according to the result of this private dealing. Where the conduct of the party has been more flagrant, he must be dealt with in a more formal manner, and notice taken of the case in the record. Privileges cannot be refused on mere suspicion. Guilt, to some extent, must be admitted, or must be in

Purging the roll.

* See a formula for this purpose in Forbes's "Questions on the Lord's Supper." Second edit., p. 36.

course of probation, otherwise a member may insist on his right to sealing ordinances. It is customary also, at this or any other convenient time, to remove from the roll the names of those who, without cause shown, have been absent from the communion for a certain number of times.* Where, however, a valid reason is given, or where there is a profession of repentance for neglect, such names may be replaced on the roll. A copy of the communion roll, † thus carefully made up, and signed by the moderator and clerk at the bottom of every page, is to be sent to the Presbytery of the bounds every year for attestation, as it is of the utmost importance to have at all times a properly attested list, showing who are *bonâ fide* members of the congregation.—(Assemb. 1844, xviii.) In this roll sent to the Presbytery there must be no blanks, in which new names could be added, and no names written on erasures, unless the same are duly noticed and attested by the clerk's initials. ‡

* In the Presbytery of Aberdeen, absence for three successive times entitles a Session to mark a person out of the roll. Some such rule as this is necessary, especially in large congregations, in order to prevent an accumulation of names on the roll of persons who have really ceased to belong to the congregation, or who have left the place, or joined other communions, without seeking the usual certificate.

† A form of the communion roll to be kept by the Session may be seen in Appendix No. II., 7. In this roll an alphabetical arrangement of the names is best,—a certain space being reserved for each letter.

‡ A member of another congregation may communicate *pro tempore*, by producing a note of membership, or a token from his minister or an elder; but such an act does not disjoin him from his own congregation, nor is his name placed on the roll of the other one. No member of a congregation can be admitted into full communion with another one without a regular certificate of membership. For a form of this certificate see Appendix No. II., 6.

5. EXERCISE OF DISCIPLINE.—The object of church discipline is the glory of God, the purity of the Church, and the spiritual good of the offender. It is thus not so much a punishment as a privilege, and one of the ordinances of the New Testament Church. Its subjects are primarily church members; but the children of members who have arrived at a proper age, and all adherents, are also amenable to the Session when they fall into gross sin. The offences of which notice is to be taken before a Session do not comprehend every kind of infraction of the divine law, but those only which occasion scandal, or tend to bring reproach on religion, or to mar edification. Any officious prying into private conduct, or rash intermeddling with family concerns, or dragging into light secret sins, is to be avoided. It belongs to the Session not only to admit to ordinances, but also to exclude therefrom, when occasion requires. Much wholesome discipline is exercised by Sessions privately without the formality of a compareance of the party before the court; and in all cases where public scandal has not arisen, this is the most prudent way to deal with an offending member.—(Matt. xviii. 15.) Much good may be thus done, and in cases where nothing but irritation and opposition would have been occasioned by dragging the party before the Session, the best effects have been produced on his mind by an affectionate and faithful private dealing on the part of the minister or some of the elders. Privileges are thus often withheld from a person for a time without any formal procedure; and this is quite in accordance with the Form of Process.—(Assemb. 1707, xi.) It must be noticed, however, that as privileges cannot be withheld on mere Discipline.

suspicion, if the party chooses to insist on his rights, the Session must resort to a more formal procedure, and judicially investigate the case. If it be thus formally taken up, temporary suspension is competent.

Judicial ex-
ercise of.

6. In all cases where the ill-conduct of the offender has been more flagrant, where a fama is wide-spread, and where scandal has been raised, the Session must proceed more formally to exercise discipline, both for the transgressor's own sake as well as for the maintenance of the purity of the Church and the vindication of true religion in the eyes of the world. The ultimate object is leading the guilty person to repentance; but until this be gained, exclusion from the communion of Christ's professing people is necessary, for it is in conformity with the usages of society in general, that where a person openly violates the rules of a body he is to be excluded therefrom.

7. Offences forming grounds for the exercise of discipline require, (1.) To have been committed within the period of five years previous; for when unnoticed for this time, such are not usually taken up by a Session; and, (2.) Not to have been previously finally decided on by any of the courts of the Church.

Common
grounds of
discipline.

8. The offences which are commonly taken up and adjudicated on by the Session are—non-attendance on ordinances, Sabbath profanation, intemperance, and uncleanness. The first great object of the Session is to get at the truth, and, where the person is found guilty, either by his own confession or on credible testimony, to seek by all scriptural means to bring him to a sense of his sin, so that when he appears truly penitent he may be restored to Christian communion.

9. There are certain more heinous offences with regard to which a Session cannot proceed so far as to inflict censure or restore to privileges without the authority of the Presbytery. Such are incest, adultery, trilapse in fornication, flagrant heresy, schism, and continued contumacy. Contumacy is the offence of a person who resolutely refuses to submit to the discipline of the Church, or who declines, without good ground, to appear on an *apud acta* citation, or after three distinct citations by the officer of the Session. Formal written citations, however, in the presence of two witnesses, are not now so commonly resorted to as when this Church was established; nor do Sessions now commonly take evidence on oath except on very solemn and important occasions, and where specially required by the accused person. In general, a precognition is quite sufficient, where the witnesses are not sworn, but simply make a declaration that they will speak the truth, and are purged of malice and partial counsel.* As parties are thus generally cited in a less formal way,† the strict rules relative to contumacy cannot be observed. A summons *apud acta* is when the moderator cites a person, in presence of the Session, to compare at a subsequent meeting—time and place being specified. Such a citation, like the third formal summons, is peremptory—*i.e.*, the party must appear, as the case will be proceeded with though he should not appear, or otherwise he may be dealt with as contumacious. Where the person accused refuses to appear, process may go on in his absence, and the

Graver offences referred to the Presbytery.

Citations.

Oaths.

* See forms of oath, declaration, and purgation of witnesses in Appendix No. II., 11.

† Viz., by the clerk, or an elder, or a verbal message by the officer. At least forty-eight hours should be given to the parties cited.

matter be brought to an issue, or the Session may at once cut him off from the communion of the Church.

Form of process.

10. As to the special modes of dealing with various scandals, it is not intended here to give a minute directory, as they are fully detailed in the Form of Process, approved by the General Assembly 1707, *q. v.* A few remarks applicable to the more commonly occurring cases, and having reference to the present position and practice of the Church, may suffice.

Scandals, how dealt with.

11. Fornication is one of the most common offences brought under the notice of the Kirk-Session. Where the guilty parties belong to different congregations, the case is generally taken up by the Session under whose jurisdiction the woman is placed, because there the scandal is most notorious. In every case where the adherent or member of another congregation is found to have subjected himself to the discipline of the Church, intimation thereof is to be given to his own Session. Where the woman appears before the child is born, it is better, unless the man appears at the same time and confesses his guilt, to delay proceeding until after the birth. It may happen that there is no *corpus delicti* at all. In such a case the Session must exercise much caution in proceeding against a party who may be innocent, or whose guilt it may be impossible to establish. In all cases the paternity must be sought to be established, and every effort must be made to induce the accused person, where not belonging to this Church, to make a declaration, either in writing or in presence of the Session or some of its members, that he is the father of the child. The Session, except under very peculiar circumstances, cannot proceed to absolve the woman

without some evidence of the paternity. When a woman will not give the name of the father of her child, she is to be dealt with as contumacious, and when she declares that she does not know who the father is, the case is to be referred to the Presbytery for advice before any other steps are taken. Where a woman who has had more than one illegitimate child previously, accuses a person who has hitherto borne a fair character, she is required to bring some evidence of her accusation before the accused person be cited. Again, where the paternity of the child is denied by the man, the woman is required to adduce evidence in proof of her accusation, and every effort must be made to expiscate the truth. A regular trial of the parties is seldom resorted to, but there are cases where the Session may find it proper, formally and judicially, to investigate the charge. Where evidence is thus required, it is sufficient to send a verbal notice to the witnesses to appear. All the members or adherents of a congregation are bound to appear when required by the Session to give evidence; others, of course, can only be requested to do so. The depositions of witnesses are taken down in writing in presence of parties, and when finished are read over by the clerk in their hearing, and subscribed by them and by the moderator. When they cannot write, this is mentioned at the close of the deposition. The accused person is entitled to object to the admissibility and credibility of the witnesses, to cross-examine them, and to adduce exculpatory evidence; but all questions put to witnesses by parties must be approved by the Session, and asked through the moderator. When the personal attendance of a witness cannot be obtained, a certificate or affidavit from him may

suffice, or two or more of the Session may be appointed to take his evidence. When the evidence * on both sides is closed, the Session deliberates in private and comes to a decision. Parties are then called in, and the judgment pronounced by the moderator. Neither law agents nor advisers of any kind are admitted to the Session, or any other Church court.

When all efforts fail to elicit the truth, it is best for the Session to sist procedure, to continue the parties under censure, and to wait till God in his providence shall give further light in the case.

It sometimes happens that the man accused denies the paternity of the child, but admits having had criminal intercourse with the woman. Such a confession is to be held sufficient to bring home guilt to the parties.

There are rare cases, where a man, apparently falsely accused, desires to take the oath of purgation.† This, however, is not to be administered but in very special cases, and never without the authority of the Presbytery of the bounds.

When parties have confessed their guilt before the Session, it is common to refer them for private dealing either to the moderator or the elder of the district to which they belong, and not until a favourable report be given of the result of this dealing does the Session proceed to restore them to privileges. Suspension from privileges thus continues for a longer or shorter time, according to

* The evidence need not be entered in the record. Being duly signed as required above, it is kept *in retentis*, and being referred to in the record it is as well authenticated as the minutes themselves.—See forms in Appendix No. I., 2.

† See form of this oath in Appendix No. II., 12.

the heinousness of the offence committed, and the spirit exhibited by the parties. In flagrant cases the Session should be in no haste to restore offenders, and ample time should be afforded to test the sincerity of their repentance.

In cases of ante-nuptial fornication the parties appear before the Session, and on confession are privately dealt with, and when considered penitent restored to privileges. In no case previous to such restoration can a child receive the ordinance of baptism (even in *articulo mortis*), unless it be adopted by a church member and brought up as his own.

Fugitives from discipline,—such as those who abscond during a process against them, or who leave the congregation on being dealt with or suspended, and connect themselves with other denominations,—must have their names formally erased from the communion roll. Where parties are refractory, or exhibit an improper spirit, it is competent for the Session to sist procedure until they are brought to a better mind.

In cases of intemperance, where it is a first offence, and the scandal not great, a private admonition may suffice. In the event of a relapse it is proper to cite the offender before the Session, but on promise of amendment the Session may simply sist proceedings and satisfy themselves with a rebuke; but on a relapse, recourse must be had to severer measures, and the guilty person is suspended from privileges, and continues under censure until there be decided proofs of penitence and reformation.

12. When a charge is brought against an elder or deacon, it is not proper for the Session to proceed in so

Charges
against
office-
bearers.

summary a way as in the case of a private member. A preliminary inquiry or precognition takes place, by which the general nature of the charge will appear and the probability of its being true. Of this proceeding the accused person should be made aware, that he may offer such explanation as he thinks proper. If it turns out that the charge is frivolous, or if there seems no reasonable probability of its being proved, the matter may be allowed to drop; but where the contrary appears, the accused is to be faithfully and affectionately dealt with, in order that he may be induced to make a full and candid declaration of the truth. If he confesses, the Session may at once proceed to inflict such censure as the offence requires, whether rebuke, suspension, or deposition. If he denies the charge *in toto*, the Session must proceed to take proof; and when that is resolved upon, he is *ipso facto* suspended from the exercise of his office till the proceedings have terminated. The tedious process of a libel, however, is not necessary in such a case, but seems to be confined solely to ministers.

Censures.

13. Church censures are of various kinds, apportioned to the nature and gravity of the offence committed. They are the following:—(1.) Admonition is the lowest kind of censure, when the offender is either privately or before the Session affectionately warned of his sin and danger, and exhorted to greater circumspection in his conduct. (2.) Rebuke is a more formal censure, after conviction or confession of a scandalous offence. It is administered in the Session by the moderator, in the name of the great Head of the Church. (3.) Suspension from privileges is the natural consequence of all charges brought against one

until he be either cleared or absolved. It is continued for a longer or shorter period. It is sometimes continued indefinitely, till God, in his providence, throws light on a dark or doubtful case, where there are strong suspicions of guilt, and yet no clear proof. In the case of an office-bearer, suspension from privileges, as stated above, is uniformly accompanied with, (4.) Suspension from office. (5.) Deposition is resorted to only in the case of an office-bearer, and consists in formally depriving him of the office which he held in the Church. It is solemnly pronounced by the moderator, in the name of the Lord Jesus Christ. And, (6.) Excommunication is the highest censure. In common practice, this is just the striking the offender off the communion roll, and declaring him no longer a member of the Church. In its highest sense, termed the greater excommunication (see 1 Cor. v. 4, 5, and 1 Tim. i. 20), it is now rarely, if ever, inflicted, and could never be done but under the authority of the Presbytery.—(Form of Process, chap. viii.) None of these censures involve civil effects, but are purely spiritual; nevertheless they are very solemn, and, when inflicted on right grounds, are sanctioned and ratified by the Church's living Head in heaven.

14. Absolution, or restoration, means the taking off the sentence of suspension or excommunication from a guilty person, and reinstating him in the enjoyment of church privileges. Of course it has no moral effect in itself with reference to his sin or guilt; it merely changes his position with respect to the Church. It is pronounced by the moderator, after hopeful evidence of penitence has been exhibited, in the name of the Lord Jesus Christ, on the

Absolution.

presumption that the offender has already sought and obtained pardon through His atoning blood.

SECTION 6.—MISCELLANEOUS.

Reference to
the Presby-
tery.

1. It has been already stated that certain grave offences must be referred to the Presbytery, and cannot be decided by the Session alone. In these cases the guilty person is generally summoned to appear before the Presbytery, to be rebuked, at the time the reference is taken up. In any case of difficulty, however, the Session has the privilege of referring it to the higher court for advice and direction. A reference may be either *simpliciter*,—that is, for judgment on the whole case,—or for advice on some particular point where difficulty has been felt. The inferior court, however, should, as much as possible, exercise its own judgment. In all references extracts of the whole minutes in the case, or of such part as suffices to bring out the point of difficulty referred, must be transmitted by the clerk to the clerk of Presbytery, and the moderator of the Session should be present to state the reference to the Presbytery, and to give such explanations as may be required. The Presbytery then gives its advice, and an extract thereof is sent to the session-clerk, and entered in the record when the matter is next taken up; and the Session is bound to act in accordance with the deliverance thus given.

Dissent and
complaint.

2. A member of Session may enter his dissent against its proceedings, and may record also his reasons, provided the latter are given *instanter*. When the reasons are given afterwards, they are not recorded, but simply read to the Session at its next meeting, and kept *in retentis*. A mere

dissent gives one no right to appear in the case, or be heard in the higher court; but a member may, along with his dissent, complain to the superior court. In this case the whole matter is brought under the review of the Presbytery; and extracts of all the proceedings, with reasons of dissent and complaint, which must be given in within ten days, are to be sent to that body, and further procedure sisted till the judgment of the Presbytery be pronounced.

3. Any party whose case is before the Session, if he Appeal. thinks himself aggrieved, may appeal to the superior court. This appeal is to be made immediately when the judgment of the Session is pronounced. Extracts of the proceedings are craved by him, and furnished, and these are given in to the Presbytery along with his reasons of appeal. These reasons must be either stated at the time, or given in by the appellant, and subscribed by him, within ten days thereafter, otherwise the appeal is held to be fallen from. Answers to these reasons are made by the Session, and transmitted, along with the other papers, to the Presbytery, and some member or members are appointed to defend the judgment at the bar of the Presbytery. All dissentients and appellants must take instruments in the clerk's hands, and crave extracts at the time of their complaint or appeal. In every case, and in all the inferior courts, where a decision is given from which no complaint nor appeal is taken, it is final, and the case cannot be opened up again, nor the judgment altered, on any pretence whatever.

4. It is the right of every Kirk-Session to send one of its Commis-
sioner to the
Presbytery
and Synod. number to the Presbytery and Synod of the bounds, to sit and vote as one of their members. This representative is elected every half year, and the election must be made

within two calendar months after the rising of the ordinary meeting of Synod, and he holds office till the close of the subsequent Synod. In case of his death or resignation, a new election may be made within one month thereafter. The form of the commission given to a representative elder may be seen in Appendix No. II., 8.

Commissioner to the General Assembly.

5. When a ruling elder is chosen by a Presbytery a commissioner to the General Assembly, the Session to which he belongs furnishes him with a certificate, testifying that he is *bona fide* an acting elder of the congregation.—(Assemb. 1850, ix.) The form of this certificate is given in Appendix No. II., 9.

Session Record.

6. The minutes are to be regularly and faithfully kept by the clerk, and the names of all the members present at each sederunt recorded. There must be no blottings nor interlinings in the record. When any thing is deleted, it must be marked on the margin, and any word or words omitted must be written on the margin, and attested there by the clerk's initials. Any erasure of the minutes can be made only by authority of the Presbytery, which may call for the record at any time. It is sent up from time to time to that body, which examines all the minutes from the previous attestation, makes such observations on it as it judges proper, and finally attests it by the signature of the clerk.*

* A few styles, or forms of minutes, of the more ordinary business of the Kirk-Session, are given in Appendix No. I., 2.

CHAPTER III.

THE PRESBYTERY.

1. THE Presbytery is the radical court of the Church, ^{Presbytery.} or the one from which the whole Presbyterian government derives its form. It is composed of Teaching and Ruling Elders—hence its name. Presbyteries are erected, or new arrangements made with regard to them, solely by the authority of the General Assembly, which also fixes the Presbytery seat, or the place of its ordinary meeting, being generally some central and convenient point, or some city or town (if such exists) within its bounds. It may meet, however, occasionally, anywhere within the territory over which it presides.

2. The roll of the Presbytery consists, (1.) Of all the ^{Roll.} Ordained Ministers who are its members, arranged according to the time of their ordination, the oldest being placed first; and, (2.) Of all the Ruling Elders from congregations, in the order in which their commissions are given in and sustained. In all cases when the roll is called it is thus arranged. The number of teaching and ruling elders in a Presbytery is theoretically equal; but where there are any collegiate charges, or professors of divinity, this equality is interfered with, and the ministers have the preponderance. The Presbytery is the court immediately above the Kirk-

Session, whose decisions it is authorised to review; and it is inferior to the Provincial Synod and General Assembly.

SECTION 1.—MEMBERS.

Members.

1. The members of the Presbytery are, (1.) The Teaching Elders, or Ordained Ministers, within a prescribed district, who are moderators of Kirk-Sessions, including colleagues and successors. These are permanent members, and continue till removal, suspension, deposition, or death. (2.) One Ruling Elder from each Kirk-Session whose moderator has a seat in the Presbytery. This elder is elected by the Session every half year, within two calendar months after the rising of the Synod, and a commission is given in by him to the Presbytery* to entitle him to be enrolled as a member.—(See Appendix, No. II., 8.) When the next Synod closes, the representative ceases to be a member, unless his commission be renewed. (3.) Professors of Theology within the bounds. If there be any such, they hold the same position as the ministers, inasmuch as they require to be ordained. (4.) Such Ordained Ministers within the bounds, and not having charges, as have been already received in the capacity of members thereof respectively, or may hereafter, by authority of the General Assembly, be so received.—(Assemb. 1847, xvii.) No such minister, however, can be appointed a constituent member of Presbytery without the authority of the Assembly, but it is in the power of a Presbytery to associate with it, *pro tempore*, any ordained minister of the Church who happens to be present. Such an associated or corresponding member,

* This commission can be received only at an ordinary meeting of Presbytery, or at one where general business is transacted,—not at a meeting *in hunc effectum*, or *pro re nata*.

however, cannot act in any official capacity in the Presbytery, nor can he vote on a division, for his name is not placed on the roll, but he may take part in the deliberations, and thus act as an assessor to his brethren.

SECTION 2.—OFFICIALS.

1. The officials of the Presbytery are the Moderator, the Moderator. Clerk, and Officer. (1.) The Moderator is always a minister. A ruling elder cannot preside. He is elected immediately after the roll is made up at the first meeting after the rising of the Provincial Synod, and continues in office till the same time six months thereafter. The election is made by rotation, beginning with the oldest minister on the roll; and universal practice and general custom have given this mode of appointing the moderator all the force of law. When the moderator is necessarily absent, he may suggest another minister to act in his room, *pro tempore*, whom the Presbytery may appoint; otherwise the chair is filled, *pro tempore*, by the previous moderator, and failing him, by the oldest minister present, unless the Presbytery specially choose some one else *p. t.*; but if, in the course of the meeting, the moderator appears, he must take the chair, and the fact is recorded. In that case he also signs the minute. The moderator has no deliberative, but simply a casting vote, and he does not take any part in the discussions, but preserves order, and sees that the business is regularly transacted. He is entitled, however, to give his opinion on any question before the court, but on doing so he leaves the chair, which is occupied in the same way as during his absence. He also acts as the organ of the Presbytery in giving decisions, rebukes, &c.

Clerk.

2. The Presbytery has one or more Clerks for minuting its business, and performing the various duties that usually belong to a secretary. The clerk is generally a member of Presbytery, and, as such, he retains all his rights. On his election he comes under a solemn obligation to discharge his duties faithfully, though the formal oath *de fidei* is now generally dispensed with.* His main duties are to keep an accurate roll of the members, to minute the business of the court, and to write it *in mundo* in the record. He is generally a paid official, and draws his salary from the various congregations within the bounds contributing in proportion to their membership or income, and from a small sum charged from extracts, &c. Every Presbytery fixes these for itself.

Officer.

3. The Presbytery has an Officer, also a paid official, for waiting on its meetings, and executing its orders. He comes under a similar obligation *de fidei* to that related above.

Corresponding Members of Committees.

4. Besides these there are certain members of Presbytery appointed by the Sustentation, and some other Committees of the Church, as Corresponding Members † of these boards, and their duty is to bring before the Presbytery, from time to time, the financial state of these Committees, and to act as agents or advocates of the respective schemes. At present there are three such correspondents: (1.) Of the Sustentation Committee; (2.) Of the Education Committee; and, (3.) Of the Foreign Mission Committee. These members commonly give a monthly or quarterly statement of the position of the schemes they are thus selected to represent.

* See Appendix No. II., 10.

† See further *infra* Section 5, 41.

SECTION 3.—MEETINGS.

1. The Presbytery, unlike the Deacons' Court or Kirk-Session, is an open court, and any one may attend its sittings, but it has the power at any time of closing its doors; and there are times when it is bound to be alone,—*e. g.*, at the private trials of a student. When discussing cases of discipline from a Session, it sits in private. Meetings open.

2. There are four ways in which the Presbytery can meet, or four sorts of meetings, each of which has its own rules. It must be understood that in all cases three form a quorum, two of whom at least must be ministers. These meetings are, (1.) The ordinary meeting, which is that which is held by adjournment from the former sederunt for the transaction of whatever business may arise. At the close of every such meeting the court adjourns till its next appointed meeting at a given time and place; and if a quorum does not assemble then and there, the Presbytery is defunct, and cannot re-assemble for the transaction of business until authorised to do so by the Synod of the bounds. If, however, there be any necessity for meeting sooner than the time to which the adjournment took place, there are means of doing so. (2.) The meeting *in hunc effectum*. Ordinary Meeting. This is one appointed for the transaction of some particular specified business. The Presbytery cannot enter on any other matter whatever at that diet,* and at its termination the Presbytery does not adjourn, but just closes when the business is done; for when the court adjourned to meet *in hunc effectum*, it also adjourned to meet Meeting in hunc effectum.

* At the commencement of this meeting only so much of the minute of the former sederunt as relates to the special business to be taken up is read. No commission can be received at this meeting.

Meeting *pro re nata*

for ordinary business at another specified time subsequent to that of the special meeting. (3.) The meeting *pro re nata*. This is one convened when any unexpected business arises which it is desirable to transact before the next ordinary meeting. It is called by the moderator,* on a requisition addressed to him by members of Presbytery; and in his circular calling the meeting he specifies distinctly the object for which it is called. The moderator may decline to call the meeting, though requested to do so, but he is responsible to the Presbytery, and the whole matter will be brought up at next ordinary meeting. When the Presbytery convenes in consequence of this circular, the first question is, the conduct of the moderator in calling the meeting, and the sustaining of the *res nata*,—that is, approving of the special business being taken up. If these be settled in the affirmative, the special business is discussed, after which the meeting simply closes, without adjournment. No other business can be entered on, nor can any elders' commissions be received at such a meeting; and the business transacted in it cannot be taken up anew at the next ordinary meeting, nor can the decision of the Presbytery be reviewed, nor can any dissent or complaint be lodged by any member absent from such a meeting. The minute of this meeting is always read at the first ordinary meeting, in order to ascertain its correctness. And,

(4.) The meeting during Synod or Assembly. No inferior court can meet while its superior is sitting, hence no Presbytery can transact business while the Synod is convened; †

Meeting during Synod or Assembly.

* No moderator *pro tempore* can call such a meeting, but only the moderator for the current half year.

† This is also true with regard to the General Assembly. No Presby-

but if any special business occurs, a Presbytery may get leave from the Synod to meet during its sitting. The request is made either by petition, or verbally by the moderator. As all the members of Presbytery ought to be present, it is called from the bar of the Synod, and it may enter upon any pressing matter before it; and, of course, at the end of its business it simply closes, without adjournment to any subsequent time. Such a meeting is held, not while the Synod is actually sitting, but during an interval between some of its sessions.

3. Every meeting of Presbytery is constituted by prayer by the moderator, which act is recorded in the minute, and the opening of the sederunt is sometimes profitably accompanied by religious exercises. When the meeting is constituted, the sederunt * is taken down; and if it be a meeting for ordinary business, the minutes of last meeting, and of any intervening special meeting, are read, and when written afterwards *in mundo*, are signed by the moderator and clerk. The business is then transacted, (1.) in the order in which it appears in the minutes read; and, (2.) when new, in any order determined by the court. Practically the arrangement of the business falls to the clerk; but any member may move that the Presbytery enter on its business in any way he thinks proper, after that

Order of
business.

tery can meet during its sittings, but Presbyteries may meet on the days appointed for the meetings of the Commission of the Assembly, except the Presbytery of Edinburgh, and all other Presbyteries within fifty miles thereof. These are expressly prohibited from meeting on these three days, viz., the second Wednesday of August, the third Wednesday of November, and first Wednesday of March. (See the Commission to certain Ministers, &c., Acts of Assembly, *passim*.)

* The sederunt consists of the names of all the members present at a given meeting, arranged generally in the order of the roll.

arising from former minutes is exhausted. When a matter of business is settled, especially if it be of considerable importance, the minute thereanent is first adjusted and read before passing to the next business, and in some cases the whole minutes are read over before the meeting closes.

Motions.

4. When a motion is submitted to the Presbytery, it must be committed to writing, and given in to the clerk. If it is not seconded, it falls to the ground without any discussion; but when it is duly seconded, the discussion proceeds. No alteration can then be made upon it, unless with the permission of the Presbytery, except in the shape of an amendment, or second, or third motion, as the case may be. All other motions made on the same question must be seconded before they can be entered on the record, and they are regarded as amendments to the first motion. In the discussion of a motion, or motions, a member can speak only once, except to explain; but the person who makes the first motion has a right to reply, in which, however, he must be careful to introduce no new matter. After the reply the discussion is held to be closed, and the vote is taken. In the course of a discussion any member has a right to call another to order, and when this is done, the person speaking stops till the question of order is determined. Other members, even those who have spoken, can take part briefly in the discussion of the point of order, which, however, finally rests with the court to determine, after which the discussion proceeds as before. When there are only two motions, the state of the vote is either "Motion or amendment," or "First or second motion," and the roll is called, and the votes are marked by

the clerk. When there are three motions, the two amendments are first put against each other, and the one that has most votes is then put against the original motion,—the state of the vote thus being, (1.) “Second or third motion,” and, (2.) “First or second” (or “third,” as the case may be,) motion. Thus, however many motions are made, they are easily disposed of by voting on them in the reverse order, the last being first put against the one immediately preceding it, then the motion preferred by this vote is put against the next preceding, and so on till the original motion and the amendment preferred to all the rest are finally voted on. During the time of the vote it is proper to close the door,* so that no one may come in or go out, as much confusion is thereby liable to be created.

5. It is very common to refer a matter of difficulty, or Committees. requiring time and attention to settle, to a Select Committee of three or more members. In such cases, the person who proposes that the committee be formed, or who is more particularly interested in the matter, is commonly made convener, unless the moderator be a member, when the office generally devolves on him. The convener’s duty is to call the members together, to preside at their meetings, and to see that a report on the subject remitted to them be duly presented to the Presbytery. A committee cannot meet while the court is sitting, unless specially instructed to do so.

* It were well also to adopt this plan during the devotional exercises by which the court is constituted. Nothing can be more unseemly than members coming in late, and taking their seats, while the Presbytery is engaged in these solemn services. All the members should make it a matter of conscience to be present at the commencement of the sederunt, when the divine blessing is specially sought upon the subsequent proceedings.

Close of
Meetings.

6. Every meeting of Presbytery, and of its various committees, is closed with prayer, which generally consists in the apostolic benediction. The fact of its being so closed must be entered on the record.

Number of
Meetings.

7. The number of ordinary meetings of Presbytery depends on the amount of its business. It must meet at least twice a-year for the election of commissioners to the Assembly, and as much oftener as is necessary. The larger Presbyteries in the towns generally meet for ordinary business once a-month.

SECTION 4.—JURISDICTION.

Jurisdiction.

1. The Presbytery is superior to the Kirk-Session, and as such reviews its proceedings, and determines all references, complaints, and appeals from the inferior body. It takes up and determines all questions relating to the spiritual condition of the congregations within its bounds, and superintends them and their Kirk-Sessions; it watches over the Sustentation Fund, and the various Schemes of the Church, in its various congregations,—fosters new congregations where required,—sanctions the erection of churches and manses under the authority of the Assembly, and approves of the sites and plans of the same,—examines students of divinity, licenses probationers, judges of the qualifications of candidates for the ministerial office,—sees that the word is preached, divine ordinances regularly dispensed, and the various duties of the ministry discharged among its congregations,—receives demissions, and looses ministers from their charges,—makes provision for the supply of vacant pulpits,—ordains and inducts ministers in pastoral charges,

and for missionary work abroad, and translates them to other congregations,—judges in all matters where accusations are brought against ministers, or reports have arisen detrimental to their character,—admonishes, rebukes, suspends, or deposes,—examines schools, and watches over the educational institutions within its bounds,—discusses overtures sent down by the General Assembly, and sends up overtures to the Synod and Assembly on any subject calling for notice or reform,—and appoints representatives to sit in the Supreme Court.

SECTION 5.—BUSINESS.

1. Under this head we shall detail some of the more important routine business which falls within the province of the Presbytery; and, first of all, we shall advert to that which concerns students,—their studies, examinations, and subsequent progress.* Business.

2. Before commencing the formal study of theology, students require to have finished a full academical curriculum of literature and philosophy (although a degree is not essential), and also to have acquired a knowledge of the elements of Hebrew. Every student, before he enters the divinity college, must be examined on his previous course of study, (1.) By a Board of Examination appointed Students.
Previous
course of
study.

Preliminary
examina-
tions.

* On this whole subject of students, their studies, trials, and licence, see Acts of Assembly 1854, pp. 164-168, where the Act 1813, viii., is printed as amended by various acts of subsequent Assemblies, and the whole legislation of the Church on the matter is presented in one view in the words of the enactments. This Act is required to be read by every Professor of Divinity once during the session when the attendance is largest.—(See Assemb. 1854, vii.)

by the General Assembly.—(Assemb. 1852, iv.) A syllabus of this examination is duly published annually by the Board, and a diet of examination is generally held at each of the university seats at the close of the session of college, so as to leave the summer free to the students, with a view to the other examination. The subjects of this examination are, [1.] Languages, viz., Latin, Greek, and the elements of Hebrew; [2.] History, sacred and profane; [3.] Philosophy, including logic and metaphysics, moral philosophy, mathematics, and natural philosophy. (2.) By the Presbytery of the bounds. The student presents to the Presbytery, when about to be examined, a certificate of his having passed satisfactorily the examination of the above Board. The presbyterial examination embraces literature, science, and philosophy, particularly Greek, Latin, and the elements of Hebrew, and also the Christian religion, as exhibited in the catechetical standards of the Church.* A certificate of his having passed this examination is necessary in order to his being enrolled as a student in divinity.

Theological
curriculum.

3. The ordinary theological curriculum † consists of four years' regular attendance at one or other of the divinity colleges; and this rule cannot be relaxed in any case, unless by the authority of a board appointed by the General Assembly. Where full attendance for any session is dispensed with, enrolment for two different sessions is required as a compensation, and students thus exempted are also subject to special examinations.—(Assemb. 1852, iv.)

* Some of the larger Presbyteries publish a syllabus of this and the other examinations of students during the curriculum of theology.

† The present arrangements (1856) for the theological curriculum in Edinburgh and Aberdeen Halls are founded on Acts of Assembly 1852, iv., and 1855, iv. and vi., and are detailed in Appendix No. X.

4. Every year of his attendance at the hall the student is to be examined by the Presbytery on the progress made by him in his studies; and a certificate of his having passed this examination is necessary for his enrolment each year, as well as a certificate of his good moral character from the minister of the congregation to which he belongs.—(Assemb. 1837, viii.) *

Annual
examina-
tions.

5. At the close of his theological course the student is again examined by the Board mentioned above, and a certificate of his having passed this examination must be produced to the Presbytery previous to his being taken on trials.

Final exa-
mination by
Board.

6. No student is to apply to be taken on trials for licence until the last session of his theological course is concluded, except in those cases where the Synod of the bounds meets only once a year.—(Assemb. 1854, v.)† The authority of the General Assembly is required to take a student on trials during the currency of his fourth session.

Time of be-
ing taken on
trials.

7. When a student comes forward for licence, a member of Presbytery, to whom he is known, moves that he be taken on trials. This motion is made when the Presbytery is alone, lies on the table till next ordinary meeting, and is then taken up, also in private. In the interval the student is expected to wait on the members, and in some Presbyteries a small committee is specially appointed to meet with him for private conversation. The qualifications of the student are the following:—(1.) He must have completed

Proceedings
when taken
on trials.

* See form of this certificate in Appendix, No. II., 13.

† This act repeals part of the Act of Assembly 1813, viii., bearing on this point; and also the Act of Assembly 1848, xvi., anent the acceptance of calls, which prescribed a year of probation to licentiates before they could accept a call to a pastoral charge.

his twenty-first year; (2.) He must produce certificates of a complete theological curriculum, with attendance on the class of Natural Science for one session, if he has studied at Edinburgh; (3.) He must have delivered the six discourses prescribed to him in the course of his studies; (4.) He must have passed the Board of Examination; and, (5.) His character and conduct must be suitable to his views to the sacred ministry. The student's certificates are produced by the member who makes the motion anent him, when that motion is taken up. They do not now require to be engrossed in the minutes of Presbytery, but only the substance of them (Assemb. 1852, vii.), but they are to be transmitted to the Synod (Assemb. 1854, vii.) The student is then examined privately by the Presbytery on Greek, Latin, Philosophy, and Theology. If the examination be sustained, the clerk is directed to write circular letters* to the different Presbyteries within the bounds of the Synod, informing them of the Presbytery's intention to take such student on trials, and bearing that the requisite certificates had been duly produced. These letters must be written at least two calendar months before the meeting of Synod.

Public prob-
ationary
trials.

8. Leave being obtained from the Synod, the student now undergoes his public probationary trials.† These are

* See Appendix No. II., 14.

† All these and previous examinations may be conducted often more satisfactorily by a committee of Presbytery, but every such committee must report the result to the Presbytery, which alone can sustain or reject the examinations. The trial discourses, likewise, are sometimes heard by a committee, and parts of them are then only delivered in open court. The discourses cannot be prescribed to the student formally until the sanction of the Synod has been obtained for proceeding with his public trials.

the following, though the strict order required is not always adhered to:—(1.) Catechetical trials on divinity, chronology, and church history; (2.) A trial on the Hebrew and Greek languages; (3.) A Latin exegesis; (4.) A homily; (5.) An exercise and addition; (6.) A lecture; and, (7.) A popular sermon.* The Presbytery may reject any of or all these trials, and may examine the student on his various discourses, if it see cause.

9. The trials being finished, the Presbytery takes a Licence. conjunct view of the whole (being alone) and records its opinion. If not satisfied therewith, the licensing is deferred, and the Presbytery acts in the matter as it sees for edification; if the trials be sustained, the court proceeds to license him to preach the gospel. This is done in the

* The discourses are similar to those delivered by the student in the course of his theological curriculum, with the exception that a critical Hebrew exercise on some portion of the original text of the Old Testament is required by Assembly 1836, x., of every student at the hall. The *Latin exegesis* consists of a discourse in that language on some controverted point of theology. The *Homily* is a plain, familiar discourse on some text of Scripture, explaining and enforcing some precept or duty. The *Exercise and addition* is a critical discourse on some portion of the original text of the New Testament. It embraces, (1.) A critical analysis of the text, noticing its various readings, discussing its difficulties, and eliciting its true meaning; (2.) A paraphrase, showing the light thrown on the text by the previous criticism; and, (3.) A doctrinal “addition,” enumerating the doctrines evolved from the passage, with or without illustration. The *Lecture* is a plain and practical exposition of some considerable passage of Scripture. The *Popular sermon* is a discourse from some text, such as the candidate for the ministry would deliver from the pulpit.

The members of Presbytery are asked to give their opinion of the student's discourses generally, in the order of the roll. While these opinions are being delivered, the student is generally excluded, and the Presbytery is alone,—the moderator afterwards stating to him the finding of the court. In some Presbyteries, however, the student is permitted to remain and hear all the remarks made on his discourses by the brethren.

following manner:—(1.) Certain questions are put to him, to which he is required to give his assent (See Appendix No. V.); (2.) He subscribes the formula containing the substance of these questions (Appendix No. VII.);* and, (3.) The moderator gives him a suitable address, and in the name of the Lord Jesus Christ, and by the authority of the Presbytery, licenses him to preach the gospel, and he and the brethren give him the right hand of fellowship, and wish him all success in the Lord. It is customary in some Presbyteries to appoint two or three congregations within the bounds for the licentiate to preach to, to exercise his gifts in the hearing of some of the brethren, but there is no enactment on the subject.

Physical
disqualifica-
tion.

10. In cases where there is any peculiar physical disqualification in a candidate for licence, reference must be made to the General Assembly.

Transference
of trials.

11. In the progress of a student's trials, he may be transferred at his own request to another Presbytery, when going to reside within its bounds. The transference is completed by giving him an extract of the minutes recording his previous trials, and the resolution to transfer him. This transference, however, cannot be made until the student has passed the Synod.

Extract of
licence and
certificate.

12. Extracts of licence † are given to probationers when asked; and probationers coming within the bounds of a

* Previous to the Disruption the Act against Simony was read (Assembly 1759, viii.) in the hearing of the student, at this stage of the proceeding, and also to a minister elect when his ordination trials were completed. This is not now done; the act being inapplicable to the present position of the Church. The Assembly 1855 directed the Committee on the Form of Process to revise the said act, and report.—(Assemb. 1855, p. 219.)

† See form in Appendix No. II., 15.

Presbytery to officiate should present such extract at an early meeting of said Presbytery; and it is desirable that a register be kept of all the licentiates within the bounds, with the names of the Presbyteries that licensed them. On his removing to another Presbytery, the probationer is entitled to a presbyterial certificate* of his character and conduct while resident and officiating within the bounds.†

13. When a congregation becomes vacant by the demission,‡ death,§ translation, or deposition of its minister, it is first of all necessary to announce the fact to the congregation as soon as possible. A member of Presbytery is appointed to preach and declare the pulpit vacant.¶ The congregation, during the continuance of the vacancy, is

Vacant congregations.

* See form in Appendix No. II., 16.

† Probationers are generally remunerated for their services. It is understood that the remuneration for a single diet is 10s., and for services throughout the Sabbath £1, exclusive of travelling expenses. Where a probationer stately officiates in a station, the rate of remuneration is at least £15 per quarter. The remuneration of a catechist is about one-half that of a probationer.

‡ Resignation of a charge can be made only to the Presbytery, which judges of all the circumstances, and accepts the demission, if it thinks proper.

§ Where there is no ordinary meeting of Presbytery soon, it is in the power of the brethren who attend the funeral to meet and appoint the church to be declared vacant on the following Sabbath, and also to appoint supplies till the Presbytery meets. A regular minute is taken of this transaction, is laid before the Presbytery for its approval, and is duly entered on the record.—(See Styles, p. 66, 67.)

¶ See Appendix No. II., 17. After doing so he is required to read the Declaratory Act anent the election of office-bearers.—(Assemb. 1846, xiv.) This act will be found in Appendix No. III. It is also the duty of the Presbytery, at its first meeting after the occurrence of the vacancy, to take steps, by a committee or otherwise, to ascertain the state and working of the association for the raising of the Sustentation Fund within it.—(Assemb. 1850, iv.)

under the superintendence of the Presbytery of the bounds, and in particular the pulpit is under its control. In point of law, no one is allowed to preach without its sanction, though in practice this is modified, and much is left to the discretion of the office-bearers. Some Presbyteries give supplies, but these are given only for half the ordinary diets of worship; and if the vacancy be not filled up within six months, they cease, although there is no *jus devolutum*, as when the Church was established. They also cease as soon as the call is accepted by the minister elect, from which time he can be called on to furnish supplies. Supplies are granted in the order of the Presbytery-roll.

Immediately on the vacancy taking place, one of the brethren is appointed to moderate in the Session, to take a general superintendence of the affairs of the congregation, and to preside when necessary over congregational meetings. It is desirable that at this stage a correct roll of all those in full communion connected with the congregation should be in existence, duly attested by the Presbytery.

Election of
minister.

14. No minute or detailed directory has yet been framed for the election of a minister to a vacant congregation; but such election is conducted on the fully recognised principle that "it appertaineth to the people and to every several congregation"—that is, to the members of the congregation in full communion with the Church—"to elect their own minister."—(Assemb. 1846, xiv.; Appendix No. III.) The wisdom of this course has been fully manifested in the remarkable harmony that has characterised the numerous settlements that have taken place since 1843.

Points on which there might be difference of opinion, such as the claims of female communicants to vote, are thus left to the Christian discretion and good feeling of every separate congregation, with the very best result. The general principles, then, to be followed in filling up vacancies, are these:—(1.) The minister chosen must be *bonâ fide* the choice of the members of the congregation, or a majority thereof. Every effort must be made to secure as great unanimity as possible. (2.) The whole proceedings in reference to the election are to be conducted under presbyterial superintendence. No congregational meeting is to be held without the presence of the interim moderator of the Session, or some other member of Presbytery specially appointed to preside thereat. Every effort is also to be used by the Presbytery to procure for the congregation an opportunity of hearing such probationers as may be selected to officiate in the vacant pulpit. When such probationers have been heard, or when there seems a reasonable prospect that the congregation is ripe for choosing a pastor, a congregational meeting may be held by appointment of the Session or Presbytery, presided over in the way already mentioned; and if the feeling be pretty general in favour of any one person, the meeting may resolve to apply to the Presbytery to moderate in a call. The utmost care should be taken to avoid party spirit and division. It is much better that some delay should take place than that a congregation should be rent asunder by an unharmonious settlement.*

* The person to be called must be either a probationer, or minister, who is qualified to accept a call according to the laws of the Church, otherwise the Presbytery are enjoined not to take any steps to moderate in a call.—(Assemb. 1846, x.)

Moderation
in a call.

Report on
the state of
the Association.

15. A minute of the congregational meeting is generally produced to the Presbytery, conveying the wish of the congregation that it should moderate in a call. The Presbytery, before acceding to this wish, should have ground for believing that the congregation is on the whole very much of one mind as to the person whom it means to choose. Where this is not the case, some delay may be expedient, and some further effort made to secure greater unanimity. Before any further steps can be taken, also, it is necessary that the Presbytery should have made a report to the Sustentation Fund Committee, in terms of a schedule, furnished by that Committee, on the state and working of the association within the congregation, and that the judgment of that Committee shall have been received on the same. In the event of its being the judgment of the Sustentation Committee that the circumstances of the case are not such as to warrant the filling up of the charge, the Presbytery shall not proceed further, but refer the whole matter for advice or decision to the General Assembly or its Commission.—(Assemb. 1850, iv., and 1851, iii.) In every case, before going forward, the Presbytery should take every prudent means to have the association in vigorous operation, and be able to satisfy the Sustentation Committee that it is in such a state as to warrant the settlement of a minister.—(Assemb. 1847, xii.) When, however, it appears expedient to proceed, a day is fixed for moderating in a call, and due notice* must be made from the pulpit of the vacant congregation,—ten days, at least, intervening between the notice and the day appointed. At the specified time the Pres-

* See form of this notice, Appendix No. II., 18.

bytery meets, and having ascertained that the intimation was duly given, the minister who is appointed to preside (usually the ordinary moderator) preaches, and at the close of the usual service states the object of the meeting. The form of the call* is then produced and read by the clerk, and the congregation† is required to state whose name is to be inserted in the call.‡ This being done, and the name duly inserted, it is subscribed by the communicants present, and a separate paper of concurrence§ may be subscribed by adherents. After the call has been subscribed as numerous as possible, it is attested by the moderator.|| Dissents are then called for, and if none be produced, the Presbytery sustains the call; and if the person in whose favour it is made be present, it is put into his hands, and he is asked whether he accepts it,—if absent, it is to be sent to him with all convenient speed; but previous to this the Presbytery may give it in charge of the Session to procure, under its immediate eye, additional signatures.

16. Where there are dissents from the call, they are to be given in immediately, and judged on by the Presbytery, either at that meeting, or at a special adjourned meeting held for the purpose. Such dissents may be either with or without special reasons, and the fullest opportunity is to be given

Dissents
from call.

* See forms of the call in Appendix No. II., 19.

† None but those in full communion can take part in this procedure.

‡ Where the congregation has cordially and unanimously petitioned for a moderation in favour of a certain person whom they name, this formality may be dispensed with; but “a call at large,” as described above, is the regular and constitutional procedure.

§ See Appendix No. II., 19.

|| See form of attestation, Appendix No. II., 19.

to the members to state objections of any kind to the proposed settlement. Where the objections require special investigation, another meeting of Presbytery must be appointed, to which all parties are summoned, *apud acta*. Where the objections affect the moral character of the party, the objectors can proceed only by libel; but where they are less grave, they are to be judged of and determined by the Presbytery, without such formality,—of course, with power of appeal or complaint to the higher courts.

Ordination
trials.

17. When the call is sustained, the proposed pastor may be considered as duly chosen and approved of by the people: it remains for the Presbytery to judge of his qualifications. For this purpose, trials of precisely the same kind as the public ones he underwent previous to licence are prescribed,—viz., five discourses and examinations in Hebrew, Greek, divinity, chronology, and church history; and if the Presbytery sustains* these trials, the minister elect may sign the formula.† If he be ordained already, the foregoing trials are not required. A day is then fixed for serving an edict in presence of the congregation,‡ and at an interval of not less than ten days from the serving of the edict, a time is fixed for his ordination and admission as minister of the congregation.

Ordination
and admis-
sion.

18. On the day named in the edict for the ordination

* Of course it is in the power of the Presbytery to reject the person if not found qualified; but if so, all the examinations must be put in writing, and the discourses given in to the Presbytery, in order to provide for an appeal to the superior courts. Want of physical powers for the discharge of the ministerial duties would also entitle a Presbytery to reject a pastor elect.

† See Appendix No. VII.

‡ See form of edict in Appendix No. II., 20.

and admission, the Presbytery meets a short time previous to the hour appointed for public worship; and the meeting being constituted by the moderator, the edict is returned, bearing that it has been duly served. Proclamation is then made in terms thereof, at the most patent door of the church, by the officer. When any objections are given in, which is an extremely rare occurrence at this stage, they must be substantiated immediately—a formal libel not being required. Where no objections are given in, or where they fail to be proved *instantly*, the Presbytery proceeds with the ordination. Public worship is conducted in the usual manner, and at the close of it a brief narrative is read of the whole proceedings in the congregation since the vacancy occurred, with reference to the filling it up, and the steps taken by the Presbytery to the present time. The pastor elect then stands up and answers the questions appointed to be put on such occasions.* These being answered, he kneels, and the moderator, coming down from the pulpit, by solemn prayer and imposition of hands ordains him as a minister of the gospel. The brethren stand around and lay their hands also on his head—the ruling elders of the Presbytery taking no part in this ceremony. The ordination prayer being finished, the moderator formally receives and admits the new minister in the name of the Presbytery, and by the authority of the Divine Head of the Church, to the pastoral charge of the congregation, and gives him, along with all the other members present, the right hand of fellowship; returning to the pulpit, he finally delivers a suitable address, (1.) to the newly ordained pastor, who stands up

* See these questions in Appendix No. VI.

during its delivery; and, (2.) to the people." In some cases these addresses are delivered by some of the brethren specially appointed for the purpose; but the old practice, which is more commonly adopted, is for the moderator to conduct the whole services. Where the pastor elect is already ordained, the proceedings are precisely the same,—with this exception, that the ordination prayer is omitted; and if there be a prayer there is no imposition of hands.* On the conclusion of public worship, the people are afforded an opportunity of welcoming their new minister on retiring from the church. He then signs the formula, if he has not done so at a previous stage, his name is added to the roll, and the meeting of Presbytery, if there be no other business before it, is closed in the usual way.

Translation
in the same
Presbytery.

19. If the person called by a congregation be the minister of another charge within the bounds, the same steps are taken as above till the call be moderated in and sustained. Notice is then given to the congregation of which he is minister that a call has been given him, and they are cited on a given day to appear for their interest. To this meeting the minister called is also summoned. When the Presbytery meets, it has to decide between the competing congregations. All parties who compare are first heard in the following order:—(1.) The vacant congregation; (2.) The other congregation; (3.) The calling congregation in reply; and, (4.) The minister himself. The minister, however, may be heard at any time when he shall

* Ordination is never repeated. An ordained minister is simply inducted into a new charge; but the same questions are asked as in the case of ordination.

express a wish to that effect ; but after the other parties are heard, he is formally asked if he has any statement to make.—(Assemb. 1849, vi.) Parties are then removed, and the Presbytery proceeds to give judgment. It has to consider whether the translation sought for is expedient, and whether the call ought to be presented to their brother for his acceptance.—(Assemb. 1849, vi.) Much importance of course is attached to the opinion and declaration of the minister himself ; and unless there be very strong grounds for so doing, the Presbytery seldom decides contrary to his deliberately expressed convictions. Where he leaves it very much in the hands of the Presbytery, the case is decided on the grounds of the relative importance of the competing congregations, and other circumstances that appear in the pleadings. Of course, if there be an appeal from the judgment, or a complaint from any member, the decision goes up for review to the superior court ; if not, it is final. If the translation be granted, the Presbytery proceeds to take the usual steps, as already described, by serving the edict in common form, and appointing a day for the induction. Being already ordained, he has no trials to undergo ; but it is always distinctly provided that he remains minister of the one congregation until he be duly admitted to the pastoral charge of the other. After the induction, his former charge is declared vacant in the usual way.

20. It oftener happens that the minister called belongs to another Presbytery. In this case the steps are the same, until the call be moderated in and sustained. The Presbytery then commissions certain of its members to prosecute the call, and draws up certain reasons of translation to be urged at the bar of the Presbytery of which

Translation
to a different
Presbytery.

the called minister is a member. The congregation calling also appoint certain persons as their commissioners, and notice of the whole proceedings is duly sent to the other Presbytery. These commissioners, or certain of their number, appear at the first meeting of that Presbytery, and lay the call and the reasons of translation on its table. The minister called is entitled to be heard at this stage; but generally nothing further is done than to summon all parties to a future meeting,—viz., the commissioners and minister, *apud acta*, and his present congregation. The reasons of translation are transmitted to that congregation at the same time, that they may be able to answer them if they see cause. At the meeting appointed, all parties appear, and are heard, if they desire, in the following order, viz. :—(1.) The commissioners from the Presbytery and congregation prosecuting the translation; (2.) The minister's own congregation; (3.) The callers in reply; and, (4.) The minister called.* All are then removed, and the Presbytery gives judgment,—first deciding whether the translation sought be expedient, and whether or not the call ought to be presented to their brother for his acceptance (Assemb. 1849, vi.); and if this be decided in the affirmative, the minister, if he acquiesces, accepts the call. Much weight of course is given to the deliberate and prayerful conviction of the minister, and only in extreme cases is he either retained or removed against his will; but of course the Presbytery has entire power in the matter, subject to complaint or appeal. The

* As in the former case, he is asked at this point if he has any statement to make; but he is entitled to be heard at any stage of the proceedings.

judgment is intimated, and parties either acquiesce or appeal. In the event of the translation being acceded to, the minister is directed to wait in that matter the orders of the Presbytery from within whose bounds the call has come; and it is distinctly expressed that he remains minister of his present charge until the time of his admission to the other. The commissioners, on their return, report the proceedings to their Presbytery, and that body takes the usual steps for his induction with all convenient speed. This being done, notice of the fact of his settlement is duly made to the other Presbytery that his former charge may be declared vacant.

21. Ordination, without reference to a particular charge, is not common; but a Presbytery has not unfrequently to ordain one who has been appointed to a pastoral charge in the colonies: and missionaries to foreign parts are always ordained before they proceed to their spheres of labour. In these cases the steps are the same as those already described, with reference to the previous trials and the act of ordination; but an edict is dispensed with, and the ten free days are not required to intervene. Of course, the minister thus ordained does not become a member of the Presbytery. In all such cases it is the Presbytery's duty to see that due provision be made for the support of their brother in a manner becoming his position as an ordained minister of the Church.

Ordination
of colonial
ministers or
missionaries.

22. All congregations are constituted pastoral charges by authority of the General Assembly alone; but the Presbytery takes all the steps necessary for bringing the claims of any congregation within its bounds before the Supreme Court, that it may be erected into a charge.

Stations.

Previous to this it is termed "a station," and is served by a probationer, or sometimes by a catechist,* and is often under the direction of the Home Mission Committee. Sealing ordinances are frequently dispensed in such a station, especially when there is a prospect of its becoming a territorial charge; but this cannot be done without the express permission of the Presbytery, which appoints a minister to preside on the occasion, aided by certain elders, unless the station has been formally placed under the jurisdiction of one of the Sessions of the bounds, in which case it is competent for that Session to dispense sealing ordinances when it deems proper. It is generally desirable that every station should be^{*} placed under the

* The catechist or reader is one who has not arrived at the position of a probationer, or whose want of academical qualifications prevents him from obtaining a formal licence. The only enactments in reference to this office are contained in the Acts of Assembly, May 1843, xix. ; and 1845, xxxv. He is almost always an elder, teacher, or student, and must be of full age. Previous to his appointment, he undergoes an examination before the Presbytery in private, on his knowledge of Christianity, as exhibited in the catechetical standards of the Church, and on his capacity to conduct religious exercises, and private conversation is to be held with him by some of the brethren. On being satisfied with his character, knowledge of the Holy Scriptures, and aptness to teach, the Presbytery authorises him to act as a catechist in a given station. He is to be associated with a particular minister, under whose superintendence and by whose advice he is to carry on his labours. The duties of the catechist are not very well defined, but they are generally understood to be those of a home missionary, and to differ but little from those performed by a regular probationer of the Church doing duty in a station, only that he is to confine himself as far as possible to the reading of the Scriptures, with brief expositions and prayer. The office is very much of a temporary kind; and the Assembly has declared that there is no intention of instituting any permanent or distinct office, and were there a sufficient supply of licentiates, especially in the Highland districts, it would most likely soon cease to exist. The Church does not profess to have yet formed a ripe judgment or matured a plan in regard to the office or its duties.

fostering care of some Session or congregation in the vicinity, which should take an oversight of it, and give privileges to those in connection with it. In this way not a few of the most flourishing congregations and charges in destitute districts have originated, and been reared up till they obtained an independent existence by the authority of the General Assembly.

23. When a station has prospered, so that it is deemed advisable that it be placed under a fixed and ordained pastor, the Presbytery takes up the matter, and makes a full statement of the case, with its opinion of the same, and forwards this to the clerks of the General Assembly, at least a week before the meeting of the Commission in March. The matter is reported to the Commission, which sends the whole report without delay to the Home Mission and Sustentation Fund Committees, and these committees report to the General Assembly next ensuing their opinion as to the expediency of sanctioning the said congregation as a pastoral charge or not.*—(Assemb. 1849, vii.)

Sanctioning
of charges.

24. No church nor manse can be built until the erection of it be sanctioned by the Presbytery of the bounds. The Presbytery has to be satisfied, (1.) as to the site of these

Churches
and manses.

* It is also competent for the Supreme Court, in certain circumstances, to form two congregations out of one, transferring the minister along with such of the people as adhere to him to the new congregation, or retaining him in the old one, as seems expedient. This is termed an act of disjunction; and the previous steps relative to it, to be taken by the Presbytery, are much the same as those requisite in the sanctioning of a new charge. The acquiescence of all parties in such a step is particularly to be desired, and it should not be attempted unless it clearly appears that it is for the good of the congregation thus to be divided, or for the benefit of the Church at large, or for the interest of the particular district where the new congregation is to be located.

buildings, that it is in every respect the most eligible that can be obtained ; and, (2.) as to the form and size of the buildings. The plans are to be produced to the Presbytery and formally approved by it, being remitted if necessary for examination to a committee. No grant nor aid can be obtained from any general fund until the formal sanction of the Presbytery be obtained.

Professors
of theology.

25. Professors of theology are members of the Presbytery within whose bounds their colleges or halls are situate. Their election is vested in the General Assembly, but they are inducted into their office by the Presbytery in the same way in which ministers are inducted into their charges.—(Assemb. 1852, v.) In any case where a professor of theology is unordained when he is appointed to his office, he undergoes the same trials as a probationer on being appointed to a charge. In such trials the Presbytery has to ascertain the proportion of his gifts for the station which he is to occupy, in order that, being found qualified for the particular office, he may be ordained as a minister of the gospel previous to his induction.—(Assemb. 1838, xii.) The Select Committee appointed by the Assembly for the ordinary management and superintendence of the colleges—consisting of eleven ministers and ten elders—of whom not more than five may be changed from year to year, have authority to originate and prosecute before the Church courts processes against any of the professors for heresy or immorality, reserving the rights competent to all parties according to the present laws of the Church. Such committee also originates and prepares proposals for the retirement of professors, and all matters connected therewith.—(Assemb. 1852, v.)

26. When a minister is partially or wholly disabled for his duties, or when there is no prospect of his being able to resume them, it is usual to appoint a colleague and successor to him. When the appointment involves a claim on behalf of such colleague and successor on the Sustentation Fund, it cannot be made without the express sanction of the General Assembly; and in no case can more than one stipend be paid out of the Sustentation Fund on account of one ministerial charge, but the stipend is to be equally divided between the two ministers.—(Assemb. 1851, iii.) This half stipend for the original minister is generally supplemented from the Fund for Aged and Infirm Ministers,* and the congregation may also contribute a certain amount of supplement, by way of retiring allowance, if in their power to do so. The stipend of the successor is made up by the congregation in the usual way of supplementing the incomes of the ministry. Applications for the appointment of colleagues and successors must be first given in to the Commission in March, otherwise the Assembly will not receive them; and the Commission is required to deal with such in the same way as it is called to deal with the applications for the sanctioning of charges.—(Assemb. 1855, ix.) Colleagues and successors are elected, ordained, or inducted in the same way as other ministers, and they have the same rights and privileges in their congregations and in the Presbytery as their brethren. They preside in their Deacons' Courts, and moderate in their Sessions in any order agreed between them and the ministers with whom they are associated; the person not presiding, if

* See a brief notice of this fund, and a form of bequest to it, in Appendix No. II., 2.

present, sitting as a member, and being entitled to take any part in the business, and to vote if required.

27. Pastors who have resigned their charges from ill health, old age, or other circumstances not affecting their ministerial character, are accounted *emeriti*; and they receive such portion of the equal dividend of the Sustentation Fund as may be agreed upon at the time of their retirement, the principle affirmed in 1851 (Act iii.) being always adhered to, that no more than one stipend is to be paid from the Sustentation Fund on account of one ministerial charge. Ministers thus retired, and not serving any cure, are not members of the Presbytery of the bounds, unless specially recognised as such by the General Assembly, but they may be associated *pro tempore* with the Presbytery at any of its meetings. In 1851 it was declared that the dividend payable to these ministers shall not participate in any increase which the revenues of the fund applicable to the payment of ministers on the equal dividend may receive.—(Assemb. 1851, iii.)

28. It is competent for Presbyteries alone—not Sessions—to institute processes and investigate charges against either probationers or ministers, and the proceeding is invariably by libel. In this libel the Presbytery may be the accuser—the *fama clamosa* being so great that it is necessitated to begin the process *ex proprio motu*. In other cases, other parties* may act as accusers or prosecutors, and the Presbytery determines whether the accused person

* Processes against professors have been already referred to as conducted by the College Committee (Assemb. 1852), which acts as prosecutor or accuser, and in its name the libel is drawn up; but the same rules are followed thereafter in conducting the process as are here to be described in the case of ministers.

Retired or
emeriti mi-
nisters.

Processes
against mi-
nisters and
probationers.

should be libelled ; but it cannot refuse to receive a libel without inquiring into the grounds of it. A preliminary investigation is in all cases necessary, similar to the recognition of the civil courts, in which the rise, occasion, broachers, and grounds of the *fama* are inquired into, and the Presbytery determines whether a libel should be served. The accusation must be based upon some evidence,—hearsays are insufficient,—and if the accusation be made by a private party, it must be given in writing, with some account of its probability, and an offer of its proof.

Much caution is requisite on entering on such a process ; and every report injuriously affecting the character of a minister is not to be made the subject of judicial inquiry. It must involve a serious accusation, and one so prevalent that the interests of religion require its investigation. In some cases the ends of discipline may be served by the preliminary inquiry, without proceeding further. Where the charge is not flagrant, or where the accused is at this stage brought to an acknowledgment of his error, or gives a satisfactory explanation of his conduct, much good may be done and much trouble saved by affectionately dealing with the erring brother at this time, and leading him to make a candid and full declaration of the truth. But if the charge is to be formally investigated, a libel must be served. Complaints and appeals are competent at this preliminary stage, but they do not stop the case, if there be a resolution to libel, till the relevancy be determined ; and in every case of charge or *fama* against a minister, which may issue in serving a libel, no complaint nor appeal has the effect of sisting procedure until a libel has

been served and found relevant.—(Assemb. 1853, iv.) Still, complaints and appeals are competent at any stage whatever, though they have not the usual effect until the libel be served.

Libel.

29. The libel is a document consisting of three parts, and forming a regular syllogism. The first, or major proposition, sets forth the nature of the crime charged, and characterises its guilt according to the Word of God and the laws of the Church; the second, or minor proposition, declares that the accused party is guilty of this crime, and specifies the facts of the case as to circumstances, time, and place, in one or more counts of what forms a regular indictment; and the third, or conclusion, deduces the justice of sentence being pronounced on the accused, provided the accusation be found proven.* The libel is signed by the party prosecuting, and appended to it is a list of witnesses adduced in support of the charge. The libel being approved generally by the Presbytery when alone, the accused—where the Presbytery is libeller—is cited to attend a meeting, to be held after an interval of at least ten free days, when the relevancy of the libel, and the propriety of serving it, shall be considered, and a copy of the libel is furnished to him at the time of citation.—(Assemb. 1853, v.) As yet the accused person retains all his rights as a member of the court, and is not to be considered a party at the bar. If, however, he fails to compare, the summons must be repeated three times in the usual way.

Its relevancy.

30. The main point which the Presbytery discusses at this meeting before the libel is served, when the Presby-

* See forms of libel in "Styles and Procedure," edit. 1838, p. 101-106, and also in Appendix No. II., 21.

tery itself is prosecutor, and at the meeting after the libel is served, when a third party is prosecutor, is the relevancy of the libel. By relevancy is meant, (1.) Whether the major proposition be true,—*i.e.*, whether the charge made be truly a subject for church censure, as being contrary to the Word of God and the standards of the Church; and, (2.) Whether the conclusion be fairly deducible from the premises,—*i.e.*, whether the libel be logically correct. The meeting at which the relevancy is discussed it is prudent to hold in private,—*i.e.*, not in open court,—the accused person, of course, being present. No law agents are admissible at this or any other stage of the process in any court of the Church. If the libel be found irrelevant, the whole proceedings fall to the ground. It may be found only partly irrelevant, in which case procedure goes on on the part found relevant. If the Assembly sustain an appeal, or a dissent or complaint against the relevancy of the libel, it is competent for the Supreme Court, if it thinks fit, to correct the libel, and appoint the case to be tried with it in the amended form.—(Assemb. 1854, viii.)

31. When the Presbytery has come to the resolution of serving a libel, the accused minister, *ipso facto*, ceases to exercise the functions of his office, both ministerial and judicial, until the libel has been finally disposed of.—(Assemb. 1852, vi.) At the moment the libel is ordered to be served, the accused person becomes a party at the bar, and loses for the time his position as a member of court. The next stage is the proof of the minor proposition, or, as it is technically called, the probation of the libel,—in other words, the trial; but before this is proceeded with, every endeavour is to be made to bring the accused party to a

Its proba-
tion.

confession, and if he confesses, and the charge involves deposition, he is deposed *instanter*; or, if less heinous, such censure or punishment is inflicted as the case merits. But if he still denies the charges, the Presbytery proceeds to take proof. But, after serving the relevant libel,* and before proceeding to probation, the Presbytery may, if it sees fit, refer the case to the superior courts,† on the ground that it does not appear expedient, in the circumstances, for the proof to be taken except in the presence of those who have the power of giving a final deliverance as to its effect; and also in cases where the Presbytery itself acts as prosecutor, the same reference may be made, on the ground that it does not appear expedient, in the circumstances, for it to act both as prosecutor and judge. When such a reference is brought before the General Assembly, that court may, if it see fit, appoint a special commission to proceed to probation, and give a deliverance as to the effect of the evidence. This deliverance is to be reported either to the Assembly or to its ordinary Commission, at one of its stated diets (as the Assembly may direct), which shall pronounce such sentence, or issue such instructions to the Presbytery as may seem just.—(Assemb.

Reference to
the superior
courts to
take proof.

* This applies to all cases, whether the Presbytery be prosecutors or not; but the Presbytery cannot take this step until it has competent evidence that the libel has been actually served in due form, according to the old Form of Process, chap. vii. This enactment applies also to the Synod.

† See note on the expression "Superior Courts," in the Report on the Form of Process, given in Appendix No. VIII., where also an authorised form of Minute of Presbytery will be found for both the references to the higher courts adverted to in this paragraph. No complaint or appeal taken at this stage can prevent these references being made.

1854, ix. x.) Probation is proceeded with very much as in other courts; the usual rules as to the competency and credibility of witnesses are attended to;* every deposition is taken down in writing, and signed by the witness, and also by the moderator and clerk. The examination for the prosecution being concluded, the accused is entitled to cross-examine the witnesses; and after probation is finished, he has a right to offer a proof of facts and circumstances of an exculpatory character, and to call and examine witnesses in his own behalf. The Præsbytery then declares the proof concluded, and proceeds to consider its import.

32. If the libel be found proven,† and if this judgment be not appealed from, censure is proceeded with as in the case of confession, according to the nature of the offence. Admonition, rebuke, suspension for a limited time or indefinitely, and deposition, are the usual censures inflicted. Deposition is the highest censure competent for a Presbytery to inflict on a minister (except the greater excommunication). The guilty person is deposed by the Presbytery engaging in solemn prayer, and by the moderator either simply reading the judgment of the court, or by more formally pronouncing the sentence in the name of the Lord Jesus Christ. This sentence, however, cannot be pronounced in the absence of the offender, unless by autho-

Censure, if
libel be
proved.

Deposition.

* See observations on the Law of Evidence in Styles, p. 108-112. No witnesses are to be precognosed or examined in each other's presence, for if so their evidence is vitiated.

† When, on the other hand, the accused person is assolized or declared innocent of the charge brought against him, the proceedings are all deleted from the record, nor are they allowed even to be kept *in retentis*.

rity of the General Assembly. His charge is then *quam primum* declared vacant from the date of the sentence.

Deprivation
of licence.

33. Where the accused is a preacher of the gospel, he is, in the event of the libel being proved, and the charge being of a heinous nature, deprived of his licence. In all cases where a minister is deposed, or a probationer deprived of his licence, intimation thereof must be sent to the clerks of the General Assembly.

Fugitives
from discipl-
ine.

34. Accused ministers or licentiates, who are fugitives from discipline, are still to be proceeded against by libel. Non-compearance, after a second citation in the presence of his congregation, is held as a confession of guilt on the part of a minister, as well as a refusal to compear when summoned *apud acta*. In such circumstances, resignation of office, on the part of a minister, does not stop the Presbytery from proceeding against him by libel in the usual way.

Disputes in
congrega-
tions.

35. In cases where the charges are not such as to call for a libel, and especially where there have arisen disputes between a minister and his office-bearers or people, involving a multitude of points, many of them trifling, and where it may be safely concluded that there are faults on both sides, the best way for the Presbytery to do is to order a presbyterial visitation of the congregation, and by inquiry, advice, and the exercise of its legitimate influence, to seek to heal the differences that have arisen, and restore peace.*

* On this whole subject the Form of Process (Assemb. 1707, xi.) must be carefully consulted. An able report was given in to the Assembly of 1855 on this subject, and was appointed to be transmitted to members of Presbyteries. It contains a digest of all the recent legislation on the matter, with its bearing on the old Form of Process of

36. Besides processes against ministers and probationers, and the infliction of censures on them when found guilty, it is the province of the Presbytery to deal with the more heinous offences of ordinary members of the Church. This it does generally in the way of reference from the Kirk-Sessions within the bounds, before whom the guilty parties have first appeared, and by whom they have been summoned before the Presbytery. The offences thus disposed of by the higher court are incest, adultery, trilapse in fornication, flagrant heresy, and contumacy. In cases, also, where a woman either will not name the father of her illegitimate child, or declares she does not know who is the father, the Presbytery is consulted, and deals in the matter as it sees for edification, giving instruction to the Session accordingly. When such a reference comes up from a Kirk-Session, the minutes of the inferior court anent it are first read, and any explanation given that may be required by the moderator or commissioner of the Session present. The guilty party then appears, and is rebuked by the moderator, and the case is generally remitted to the Session to deal with it according to the laws of the Church; that is, the Session seeks to bring the offender to a due sense of his sin, and when sufficient evidence has been given of his penitence, and ample time allowed to evince its sincerity, it absolves him from censure and restores him to privileges.*

Exercise of discipline on members of the Church.

1707. This document is printed entire in the Acts of Assembly 1855, p. 255-258; and some extracts from it are given in Appendix No. VIII.

* The Presbytery alone authorises the oath of purgation to be taken by one desirous in this way to establish his innocence.—(See under Chap. II., section 5, 11.)

Restoration
to privileges
or office.

37. Members of the Church are restored to privileges by the Kirk-Session, either on its own responsibility, or after advising with the Presbytery, which also restores to membership or office those who have been deprived of the same,—the general principle being, that no court inferior to that which inflicted the censure can remove it, unless by special permission or remit from its superior. Office-bearers, suspended or deposed, may be restored; but it is to be remembered, that restoration to office is to be gone about with much greater deliberation than simple restoration to membership; and however strong the marks of penitence may be, great care must be taken that the interests of religion be not injured by restoring to an official position one who has trampled upon the laws of Christ. The same remark applies to the case of the restoration of a suspended minister. A deposed minister cannot be restored without consulting the General Assembly, and such restoration can take place only after the clearest evidence of penitence for a lengthened period, and when it appears that the interests of vital godliness will not be injured, but promoted, by such a step.

Overtures.

38. An Overture is, (1.) A proposal made to the higher courts to consider and pass resolutions on any matter of general importance; or, (2.) A proposal made by the inferior courts to the General Assembly to enact a new general law, to repeal an old one, to declare the law, to enjoin the observance of former enactments, or generally to adopt any measure falling within the legislative or executive functions of the supreme court; or, (3.) A resolution or law passed by the General Assembly, and sent down to Presbyteries, for their approval, or otherwise.

Any point which it is desirable to discuss in the Synod or Assembly may be proposed by Presbyteries in this form, and especially Presbyteries and Synods originate such proposals for the consideration of the General Assembly. A member of Presbytery introducing an overture requires to give notice of his intention to move its adoption at a previous ordinary meeting. An overture thus introduced must be seconded and agreed to either unanimously or by a majority. It is then transmitted to the court for which it was intended. Overtures are generally sent by Presbyteries direct to the Supreme Court; those to Synods generally originate with the members of Synod during its sitting.

All overtures from Presbyteries and Synods must be sent in to the clerks of Assembly at least seven days before the meeting of the Supreme Court, that they may be arranged and printed. This is done at the expense of the Assembly.—(Assembly 1844, xiii., and 1850, ix.)* They are sent up in the form of certified extracts from the minutes of the Presbytery or Synod.—(Assemb. 1853, viii.)

39. The General Assembly cannot pass any acts which are to be binding rules and constitutions to the Church without the consent of a majority of the Presbyteries. This is in terms of the Barrier Act, passed in 1697, and which is justly regarded as one of the great bulwarks of ecclesiastical freedom.† Every new law, therefore, is first

Barrier Act.

* See also the Standing Orders of the General Assembly, printed in Appendix No. XIII.

† It is sometimes difficult to determine when an enactment may be made at once by the General Assembly without the intervention of the Barrier Act; and it is well that much caution should be exercised, lest a stretch of the powers of the Supreme Court should excite the reasonable jealousy of the Church.

proposed as an overture to the Assembly, and, if passed by it, it is remitted by it for consideration to the several Presbyteries of the Church, and, if approved by a majority of them, it is enacted as a law of the Church by the Assembly to which such consent is reported. It is usual, however, for the Assembly, in matters that call for immediate legislation, to enact overtures into interim acts, sending them down at the same time to Presbyteries, which may approve or disapprove of them as they see fit. These interim acts have all the force of acts passed in terms of the Barrier Act, but their continuance beyond a single year depends on the assent of Presbyteries.*

Overtures
sent down to
Presbyteries
by Assembly.

40. Presbyteries should regard it as a matter of imperative duty to consider all the overtures † thus sent down by the General Assembly for their consideration, as much delay is often occasioned by allowing them to lie from year to year unconsidered. At a previous ordinary meeting the Presbytery fixes the day for the consideration of such overtures, and meanwhile, if thought fit, they may be referred to a committee, to report fully their opinion on them to the Presbytery when they come to be discussed. In sending its opinion of any overture to the General Assembly, the Presbytery has either to approve of or to reject it, —a qualified approval or proposed amendment of the overture is held as equivalent to its rejection. Any important

* The Barrier Act did not apply to the Assemblies which convened at Edinburgh and Glasgow in May and October 1843, as they were not representative bodies, but consisted of the whole of the Presbyteries of the Church.

† These overtures are always printed at the end of the Acts of the Assembly which ordered their transmission.

amendments suggested would better be made to the Assembly in the shape of a new overture.

Presbyterial returns to overtures consist of certified extracts from the minutes of Presbytery. A separate leaf of paper is to be used for the return on each overture, and these returns must be made at least a week before the meeting of the Assembly.—(Assemb. 1848, vii., and Standing Orders, Appendix No. XIII.)

41. Presbyteries are at all times to take a deep interest in promoting the schemes of the Church.—(See these schemes detailed in Chap. I., sect. 5. 7.) By an act passed every year, it is declared that the Presbytery, at its first ordinary meeting after the time fixed for each special collection, shall require an account of the diligence of all its ministers in making the said collection, noting in the record every case of omission, along with the reason assigned by the minister, and the Presbytery's opinion of that reason. A list of the congregations that have failed to make the collections appointed is to be sent down by the clerks of Assembly to the various Presbyteries within whose bounds they are situate, as soon as possible after March 31 every year, and the Presbyteries are enjoined to send up a report to the clerks not later than one week before the meeting of the Assembly, stating the reasons assigned for such collections not being made, that the same may be laid before the Assembly.—(See *e. g.* Assemb. 1855, x.)

Schemes of
the Church.

Connected with three of these great schemes, a member of Presbytery is appointed to represent their interests within the bounds. These are called corresponding members,* and they sit as such in the various acting committees

* See *supra* section 2. 4.

that manage these schemes. They are required to take cognisance of the state of the various associations within the bounds, and to report thereon from time to time to the Presbytery, and generally to use every means in their power to promote the prosperity of the great interests with which they are connected.

Schools and
teachers.

42. The Presbytery has jurisdiction over all the teachers and schools within its bounds connected with the Free Church. An elaborate overture relative to the constitution of schools, containing rules for licensing and electing teachers, and for their examination and induction, for the superintendence of schools, and for the removal and dismissal of teachers, was sent down to Presbyteries by the Assembly of 1847, in terms of the Barrier Act. It was retransmitted by the Assembly of 1848 (Sess. 19), with a few modifications, the chief one of which was, that every teacher was to be required to sign the Confession of Faith after his examination by the Presbytery. This overture, however, has never been passed into a law, as a majority of Presbyteries have not yet expressed their approval of it,* so that the laws on this subject are just the old laws of the Church previous to the Disruption, as far as they can now be carried out. It is not deemed expedient as yet to stereotype an educational constitution, but to allow some time to elapse, in order to obtain farther experience on so wide and important a subject.† A brief abstract of the above overture is given in Appendix No. IX.

Examina-
tion of
teachers.

43. Every teacher elected to a congregational or other school connected with the Church's Educational Scheme,

* See Proceedings of Assembly 1849, pp. 68, 69.

† See Proceedings of the General Assembly 1851, p. 342.

is required to appear before the Presbytery of the bounds, bringing along with him the minute of his appointment. He is then examined as to character and sufficiency for his office. The examination is on the ordinary branches he is required to teach, and testing particularly his religious qualifications. His signing the Confession of Faith is yet undecided since the Disruption, though the opinion of the Church seems to incline to make this a qualification for office.* If found qualified, the Presbytery declares him formally admitted as a teacher within its bounds, and an extract of this minute completes his right to the emoluments and privileges of his office. If he is not found qualified, he loses all such right, and the judgment of the Presbytery is final. When a teacher has thus been examined and found qualified, the examination is not repeated on his removal to another school, or to the bounds of another Presbytery; but the court simply declares him duly admitted.

The Church has not yet instituted any special form of process for trying teachers who are accused of heresy, immorality, or inefficiency.

44. The Presbytery, by a committee of its number, or in any other way it may deem best, is required to visit once a-year all the schools within its bounds; and reports of such visitations are sent to the Education Committee when required.

Examina-
tion of
schools.

45. Every schoolmaster is required to fill up, and return to the Education Committee on or before the 15th of April,

Annual sche-
dule.

* It seems, then, that this point rests at present on the previous constitutional law of the Church, which made signing the Confession of Faith imperative.

a schedule embracing particulars as to attendance, branches taught, emoluments, and other matters on which the Committee may desire information. From the materials thus furnished, the Annual Report of the Committee is drawn up, and a summary of the state of the Education Scheme is given to the General Assembly.

Government
aid in edu-
cation.

46. As to the actings of the Church relative to the Government plan of education carried out by the Committee of her Majesty's Privy Council, reference may be made to Chap. I., section 4, 4. The teachers of the Church are at full liberty to receive salaries from Government under the Minutes of Privy Council; but in all cases where such salaries are received, or grants applied for to build or to maintain schools, the Presbytery is to be consulted as well as the Education Committee.—(Assemb. 1847, iv.) All the schools of the Free Church are open to her Majesty's Inspectors, and such of them as receive aid under the Minutes of the Privy Council are annually examined and reported on by the inspector or assistant-inspector appointed specially to superintend the schools of this Church.

Commission-
ers to the
General As-
sembly.

47. The General Assemblies of May and October 1843 were not representative bodies, but consisted of all the adhering ministers, with an elder from each Session. Since that time the Supreme Court has been, as formerly, representative, composed of a certain proportion of ministers and ruling elders from the Presbyteries of the Church. In every case the number of ministers and elders sent by Presbyteries is equal,—the proportion is as follows (Assemb. Oct. 1843, xii., and 1847, xvii.):—

No. of Ministers in Presbytery.				Ministers re- turned.				Elders re- turned.
6 and under,	-	-	-	2	-	-	-	2
7 to 12 inclusive,	-	-	-	3	-	-	-	3
13 „ 18 „	-	-	-	4	-	-	-	4
19 „ 24 „	-	-	-	5	-	-	-	5
25 „ 30 „	-	-	-	6	-	-	-	6
31 „ 36 „	-	-	-	7	-	-	-	7
37 „ 42 „	-	-	-	8	-	-	-	8
43 „ 48 „	-	-	-	9	-	-	-	9
49 „ 54 „	-	-	-	10	-	-	-	10

and so on in the same proportion,—all regularly sanctioned charges, although vacant, counting as ministers in a Presbytery.*

These representatives are sent by election, but Presbyteries generally make an arrangement whereby to avoid disputes, and put all on an equality. They send all their commissioners by a certain rotation, or some of them by rotation and the rest by free choice; but all these arrangements are private, and can be overturned at any time, as the law is simply free election.†

* By the 12th Act of Assembly, Oct. 1843, the Principal and Professors of the College, in connection with the Free Church, were constituted *ex officio* members of Assembly. This enactment, however, is superseded by that of Assemb. 1844, xxii., by which the theological Professors in Edinburgh are constituted into a theological faculty, with power to return representatives from their number in the same proportion as a Presbytery, consisting of the same number of ministers, returns of clerical representatives; *e.g.*, when the theological faculty is six and under, it returns two members. It is expressly provided, also, that a similar rule is to be followed in any other theological college that may hereafter be established. At present (1856) there are two such colleges—viz., at Edinburgh and Aberdeen—and each, therefore, has the privilege of returning two of its Professors to the Supreme Court. The Professors of these colleges, having seats in their respective Presbyteries, may also be elected as commissioners from these Presbyteries, though, of course, they cannot sit for both at one and the same time.

† In the Presbytery of Aberdeen the various Sessions are allowed,

The election takes place at least forty days before the meeting of the Assembly, and not sooner than a calendar month preceding the first of these forty days, except in certain Presbyteries of the northern and western islands, which may elect their representatives at any time before the first day of May,—having given notice fifteen days previous. The Presbytery appoints and minutes the day of election at least ten days previous, and the election itself must be made between the hours of one and eight P.M. If any thus elected resigns, the Presbytery may elect another in his room at any subsequent period previous to the meeting of the Assembly, between the above hours; but the commission of the first, as well as of the subsequent election, must be sent to the Assembly.

Printed forms of commissions are furnished to the clerks of Presbyteries.* They are duly filled up either at the time of the election, or after-election, or subsequently, read in the hearing of the court, and attested *coram* by the moderator and clerk. In the commission, ministers are to be designated by the localities of their particular congregations, and the names and designations of the ruling elders are to be given at length. The commissions, when sent to the clerk of the Assembly,—which is to be

by turns, to nominate certain of the representative elders from among their own members, whom the Presbytery elects as a matter of course; but this is purely a private arrangement, and cannot even be entered in the minutes.

* The smallest defect or error in filling up a commission may lead to its rejection by the Assembly; hence the utmost care should be taken to have it orderly done. Every separate commissioner is entitled, if he pleases, to a commission including all the representatives; but, in practice, one commission is generally made out for the whole, and transmitted by the Presbytery-clerk to the clerks of the Assembly.

done as soon as possible * after the election,—are to be accompanied with certificates from the Kirk-Sessions to which the elders commissioners elected belong, certifying that they are *bona fide* acting elders of the respective congregations.† In every case, the ministers elected must belong to the Presbyteries which they represent; but this is not essential with regard to the ruling elders, although it seems desirable that elders as well as ministers should, as far as possible, belong to the Presbyteries whose commissioners they are, and whose interests they represent.

It is the practice in many Presbyteries to supply the pulpits of the ministers who are their commissioners. One supply is given for each Sabbath; and in giving these supplies the order of the roll is strictly followed.

48. The records of Deacons' Courts and congregational accounts are examined by the Presbytery every year, immediately after the close of the Church's financial year in March. This is done most conveniently by a committee, which reports to the Presbytery. Where the committee makes remarks on the books calling for notice, these are commonly sent to the Deacons' Courts. If explanation be required, or if any thing appears in the books or accounts contrary to the laws of the Church, attestation is to be withheld till the matter be rectified; and, if necessary, the Deacons' Court may be summoned before the Presbytery to answer for itself. In any case where the Sustentation Fund Committee has called the attention of the Presby-

Examina-
tion of re-
cords, &c.,
of Deacons'
Courts.

* All commissions should be in the hands of the clerks of Assembly at least one week before the Assembly meets. See Standing Orders, Assemb. 1853, viii.; Appendix No. XIII.

† See the form of this certification, as authorised by the Assembly, in Appendix No. II. 9.

tery to a Deacons' Court which has either given an excessive supplement, or has unduly withheld one, the Presbytery is enjoined to inquire into the circumstances, and report the result of their investigations to the Sustentation Committee, by whom the attention of the Assembly may be called to the matter, if it sees it to be necessary.—(Assemb. 1848, xvii.)]

of Sessions ; 49. Session records are also to be ordered up by the Presbytery from time to time for examination. This may also be done by a committee or committees, and the same general principles apply here as in the case of Deacons' Courts' books. Any remarks deemed necessary or important, whether as to the mode of conducting business, or the way in which the record is kept, are to be sent to the Session, that similar mistakes may not occur in future. The Presbytery can order any portion of the minutes to be deleted, but not unless the Session be formally at the bar.

of Commu-
nion Rolls

50. Communion rolls are to be sent up every year for attestation by the Presbytery.—(Assemb. 1844, xviii.) These rolls are to contain the names of all persons who, at the time of their being made up, were entitled to sealing ordinances ; and they are to be written so that no undue blanks may be left between the names of the communicants, and are to be attested by the moderator and clerk of the Session.

SECTION 6.—MISCELLANEOUS.

References

1. The Presbytery has frequently to take up references from Kirk-Sessions. A reference is either made *simpliciter*—that is, of the whole case—without any opinion indi-

cated, or of any branch of it where difficulty is felt. In such cases, the minutes containing the whole case, or as much of it as embraces the special point of difficulty, are first produced and read, and some one from the Session states the reference; *i.e.*, he comments on the case, and states the special grounds which led to the reference, or the particular difficulty which induced the Session to seek the advice of their superiors. Thereafter, the first consideration is, whether it be a proper reference: if it be informal, or appears to be unnecessary, it is dismissed; if not, it is sustained, parties, if necessary, are heard, and judgment is given. A reference does not prevent the members of the court by which it is made from sitting, deliberating, and voting on it in the higher court, unless they be parties in the case.

2. In the case of a complaint or appeal* coming up from the inferior court, it is necessary to ascertain first that it has come regularly before the Presbytery, and that the parties are all present. The papers connected with the case are then read,—*viz.*, (1.) The sentence complained of or appealed against; (2.) The reasons of complaint or appeal, and answers thereto; and, (3.) The whole record of the proceedings. Then, if the complaint or appeal be found competent, parties are heard,—*viz.*, (1.) The appellant or complainer;† (2.) The commissioners from the court whose decision is under review; and, (3.) Any other parties having an interest in the case. The ap-

Complaints
and appeals.

* The distinction between a complaint and appeal may be seen by referring to Chap. II., section 6, 2 and 3; and in this section *infra*, in paragraph 3.

† When there are both an appeal and complaint in the case, the appellant takes the precedence in being heard.

pellant or complainer lastly replies, and parties are then removed. The Presbytery finally proceeds to give its judgment. The first point is, whether the complaint or appeal is to be sustained. If it be not sustained, then the case is dismissed, and the decision of the inferior court is affirmed; if it be sustained, then the cause is opened for the decision of the Presbytery, and may be followed by an alteration, either partial or total, of the judgment of the court below, or by a remit to it, with instructions, or by other findings or orders suitable to the circumstances.

If the complainant or appellant be absent without necessary excuse, the Presbytery may refuse to enter on the case; and this refusal is equivalent to the dismissal of the complaint or appeal.

Judgment, 3. Parties being again called, the judgment come to by
when final, the court is intimated to them.* This judgment may be
either (1.) acquiesced in, or (2.) dissented from, or (3.)
dissented from and complained against, or (4.) appealed
against. If it be acquiesced in, or simply dissented from,
the judgment is final. The effect of a complaint or appeal
is to send the case to a higher court.

dissented from, A member of Presbytery who has voted in the cause,
and who is dissatisfied with the judgment against which
he voted, is entitled to enter his dissent in the minutes,
either simply or for reasons given. This dissent, how-
ever, must be given in when the judgment dissented from
is pronounced. Other members also present may adhere to
it. Reasons of dissent may be given in any time within

* Every information as to the right of appeal, and the forms necessary thereto, should be given by a church court to parties at its bar, so that they may, if they please, carry their case to a higher tribunal.

ten days, but they can be entered on the record only when offered *instanter*, otherwise they are merely read in open court, and lie *in retentis*. If disrespectful, or if they improperly reflect on individuals, they may be rejected.

But the member dissatisfied may not only thus simply dissent,—he may also protest for leave to complain, take instruments in the clerk's hands, and crave extracts; in which case the whole matter is brought up to the superior court. This protestation must be taken when the judgment is intimated,—not at any subsequent meeting,—and the complaint is made to the Synod, unless the General Assembly intervenes. The complainant must give in reasons within ten days, and if this be not done, the complaint is held to be fallen from. This dissent and complaint brings the whole matter under the review of the higher court, and all parties are sisted at its bar; and even when there is no protest and appeal by the party interested, the judgment of the Presbytery may be reversed.

If the party against whom the judgment is given thinks proper to carry the matter to a higher court, he may protest and appeal against the sentence, take instruments, and crave extracts. This appeal is taken immediately on the judgment being intimated to him, and sists the whole matter, unless it be held to be frivolous, when it may be disregarded. He must also give in reasons of appeal within ten days, otherwise it is held to be fallen from.

4. The reasons given in, whether by a complainant or appellant, are answered by a committee of Presbytery specially appointed for that purpose, who are also appointed commissioners to defend and vindicate the decision of the court. The answers, after being prepared, are

complained
against,

appealed
from.

Answers to
reasons of
complaint or
appeal.

read and approved of by the court,* and then transmitted to the superior court, along with the extracts of minutes, and any other papers belonging to the case. All parties are thus carried to the higher court, and intimation is given them to appear for their interest at its bar, either by the moderator, if present, or by the clerk, if they be absent.

General
rules anent
complaints
and appeals.

5. A complaint or appeal made against the judgment of a Presbytery, prevents its members from sitting and voting in the court whither the case is carried for decision.

When a Presbytery acquiesces in the sentence of a Synod, it is not entitled to appear as a separate party at the bar of the Assembly; but the members of Presbytery may, nevertheless, be heard as members of Synod.—(Assemb. 1853, viii.)

A Presbytery cannot refer a matter to the General Assembly if the Synod meets previously, unless the Supreme Court specially directs it to do so. The regular gradation of courts must be adhered to.

If the privilege of appeal has been refused, it is in the power of a party to bring the matter before the superior court by petition and complaint, so that the ends of justice may not be defeated. In the discussion of cases or disposal of complaints or appeals, no law-agent is allowed to plead in any court of the Free Church. Papers, in cases intended to come before the General Assembly, must be given in to the clerks, with the usual petition to the Committee of Bills, on the day before the meeting of the Assembly, if possible; but this does not dispense with the

In Assembly
cases.

* Of course dissenters or complainers can take no part in the preparation of these answers, or the approval thereof.

attendance of parties at the meeting of the committee.—(Standing Orders, 1853.) All papers sent in to the Assembly from inferior courts must be dated and numbered by the clerks of said courts, and marked with their initials.—(Standing Order.) All papers passing through the Assembly's Committee of Bills must be printed in the quarto form, and lodged in the clerk's office at latest on the first Friday of the sitting of the Assembly. The expense of printing is borne by the complainer or appellant, if there be one. In case of a *simpliciter* reference to the Supreme Court, the expense is borne by the parties mutually, under certification that the party refusing to pay his share is considered as having deserted his cause, and is not entitled to be heard.—(Standing Order.) In all other cases—such as petitions, &c.—the expense is borne by the party bringing the matter under the notice of the house.

6. Presbyterial visitations have been enjoined by various Acts of Assembly (1638, sess. 23, 24; 1700, xxii.; 1706, xvi.), and were held very frequently in the earlier periods of the history of the Church, but in later times had very generally fallen into desuetude. Previous to the Disruption they were partially revived, with the object of stimulating the diligence of the office-bearers, and promoting the spiritual interests of the people. Since that time attempts have been made to lay down certain rules for systematically carrying out such visitation, but as yet the Church has passed no act on the subject, but simply approved of a report, and recommended Presbyteries in carrying out the visitation of congregations to be guided by it. This report is appended to the Acts of Assembly 1845 and 1846. This recommendation was renewed by the Assembly of 1847, and

Presbyterial
visitation.

the committee re-appointed. In 1848 the committee gave in no report, and was discharged, and the matter terminated. Presbyterial visitation is thus the law of the Church; but the manner of conducting it is left in a great measure to Presbyteries themselves.

7. It must be carefully borne in mind that the visitation of a congregation by the Presbytery of the bounds is not for the purpose of prying into or exposing the deficiencies of any of its office-bearers or members. It is essential, then, that the best feeling should exist between Presbyteries and congregations, otherwise such visit will be regarded with suspicion and dislike, rather than welcomed, as it ought to be, as a means of strengthening the hands of the minister and office-bearers, and giving the congregation advice and counsel suited to its circumstances. Hence, it seems proper that the utmost impartiality should be manifested, and that when the work is entered on, all the congregations within the bounds should, according to some fixed rotation, be visited by the Presbytery.

8. A list of the queries intended to be put should be furnished to the Kirk-Session and Deacons' Court beforehand, in order that they may be prepared with answers. The Presbytery, in conducting the visitation, having given at least ten days' public notice to the congregation, as in the case of serving an edict, first meets privately with both these bodies, and receives written answers to the questions transmitted. Any further information required is given, and a friendly conference held, accompanied, when practicable, with devotional exercises. The Presbytery then adjourns to the church, where the congregation is convened, and a suitable sermon is preached by the

Remarks
anent.

Mode of con-
ducting re-
com mended.

moderator, when, after divine service, the written answers and judgments of the court are read to the people, accompanied with such exhortations as may be required. The topics on which information is to be sought by the Presbytery concern, (1.) The statistics of the congregation relating to its office-bearers, members, and adherents, buildings, schools, and financial state ; (2.) Its spiritual condition, as indicated by the attendance on divine ordinances, prayer-meetings, and Sabbath schools ; and the general state of religion, as exhibited by the absence or prevalence of particular sins, or the manifestation of the power of divine grace in turning sinners from darkness to light.

9. In the 19th Act of Assembly, May 1843, Presbyteries are strongly recommended to resume the practice of the presbyterial exercise according to the ancient custom of the Church,* with such modifications as present circumstances require ; and further, to hold frequent and regular meetings for devotional exercises and religious fellowship, both in private and in the presence of the congregations of the Church. The way in which the presbyterial exercise was formerly conducted is described in Pardovan's Collections, Book i., Title xii., 2, *q. v.* It is believed that the practice is to some extent revived in the Free Church.

Presbyterial
exercise, &c.

10. A minister or preacher belonging to another denomination, wishing to join the Free Church, must apply in the first instance to the Presbytery within whose bounds he has his ordinary residence. The Presbytery then fills up answers to seventeen questions anent the applicant (contained in the Act viii., Assemb. 1850), and transmits the same to the General Assembly. The Assembly alone

Admission of
ministers
and proba-
tioners from
other
churches.

* See Assemb. 1694, xvii.

has power to admit such applicant, and no such person can be admitted without an unqualified subscription of the formula.* Ministers or probationers thus admitted must continue in probation a year, from the time of the Assembly which authorised their admission, before they are capable of receiving a call. By the act just referred to, the Act viii., Assemb. 1846, on the same subject, was repealed. The provisions of this act, however, do not apply to ministers and preachers belonging to the Presbyterian Churches in England and Ireland, or in the colonies, with which the Free Church is in connection.

Synod abstract.

11. An abstract of the proceedings of every Synod is sent down to all the Presbyteries within its bounds as soon after its meeting as possible. This abstract is read at the first ordinary meeting of Presbytery thereafter, and the fact of its being read is duly recorded.

Presbytery records.

12. The Presbytery record is to be kept with the utmost attention to neatness and correctness. The remarks made on Session records (Chap. II., sect. 6) generally apply to those of Presbyteries. The Act of Assembly, 1707, ix., refers to this subject. The record is generally called up once a-year to be revised and attested by the superior court—the Synod.

* Appendix No. VII.

CHAPTER IV.

THE PROVINCIAL SYNOD.

THE Provincial Synod is the court intermediate between Synod. the Presbytery and the General Assembly, and is thus the highest inferior court. It consists generally of certain contiguous Presbyteries united together. The number of Presbyteries thus forming a Synod varies from one to eight at present. Where there is but one Presbytery,—as in the case of the Synods of Orkney and Shetland,—these Presbyteries meet at certain times, with synodical powers, and discharge the peculiar functions of the higher court.—(See Assemb., Oct. 1843, x.) A Synod is erected by the General Assembly, which also fixes the place and time of its ordinary meetings. While the ordinary place of meeting is thus determined, it is in the power of a Synod to meet occasionally at other places within its bounds, named by the Assembly, and to one of which it may formally adjourn at the close of the previous periodical meeting.*

SECTION 1.—MEMBERS.

1. The members of a Synod consist of, (1.) All the Members.

* A list of the Synods as at present constituted will be found in Appendix No. XI., where those that correspond with each other are also mentioned.

Ministers and Elders on the rolls of the Presbyteries composing it; and, (2.) Certain Correspondents from neighbouring Synods. The first act of the Synod when it meets and is constituted is to make up its roll,—that is, to determine who are its members. The Presbyteries are called over in a certain order, so that the one called first at one meeting is called last at the next one, and so on; and the moderators or clerks of the various Presbyteries intimate any changes that may have taken place on the rolls of their clerical members since the previous Synod. The commissions* of ruling elders are then read, and their names are added to the roll along with their various Presbyteries. A ruling elder, though a member of a certain Presbytery, is not placed on the Synod's roll until his commission be produced and found correct. Commissions† of corresponding members are finally called for and read, and their names added to the roll, which is thus made up. These correspondents are limited to neighbouring Synods, and consist of one minister and one elder, or in some cases two ministers and two elders from each contiguous Synod. They possess all the power of ordinary members, though not eligible to any official place in the Synod requiring their presence at its next meeting, as their membership is but temporary. They must be members of the Synods which they are sent to represent. They are entitled to a certificate of their attendance, if they require it.‡ These correspondents are elected at an early diet of the Synod.

* See the form of this commission in Appendix No. II., 8.

† The form of this commission will be found in Appendix No. II., 23.

‡ See Appendix No. II., 24.

SECTION 2.—OFFICIALS.

1. A new moderator is elected for every periodical meeting. He must be an ordained minister. He is chosen immediately after his predecessor has constituted the court, and the roll has been made up. There is no law with regard to the mode of his election. In some Synods the existing moderator proposes his successor from a list made up from the various Presbyteries; but more commonly the election is quite free, though there is generally a previous understanding among the brethren; and hence it is seldom contested. The same general rules apply to him as to the moderator of Presbytery. Having presided over the various diets of the Synod, it is his duty to open the next periodical meeting of the court by a sermon; and in the interval between the stated meetings, generally of six months, all requisitions for *pro re nata* meetings of Synod are addressed to him. He thus retains office till his successor be chosen. Moderator.

2. The clerk is chosen by the court, and is generally a clerical member of Synod. His office is permanent, and he has a salary gathered from the various congregations within the bounds. On his election, he comes under the usual obligation *de fidei*.* If a member, he retains all his rights as such. His duties are to keep an accurate roll of the members, and to minute correctly the business of the Synod and of the Committee of Overtures; he writes the minutes *in mundo*, and preserves the record of the court. Clerk.

3. The Synod has also one or more officers which it chooses for waiting on its meetings and executing its orders. Officer.

* See Appendix No. II., 10.

SECTION 3.—MEETINGS.

Ordinary
meeting

1. The meetings of Synod are either ordinary or *pro re nata*. Most of the Synods meet twice a-year, in spring and autumn. One or two meet but once a-year. The times of these stated meetings are fixed, and they constitute the ordinary meetings; and at each of these it is essential that the court have at least two sessions for the discharge of its statutory duties. The Synod adjourns from one session to another, and from one periodical meeting to another—the time and place being distinctly specified. Such adjournment is entered on the record and publicly announced.

Pro re nata
meeting.

2. It is in the power of the Synod to meet at any time during the interval between its periodical meetings, though this power is but rarely exercised. When, however, any important business intervenes, or when something deeply affecting the interests of the Church occurs, a meeting may be called by the moderator either *suâ sponte*, or on the requisition of at least three ministers. It is not uncommon, when the Synod has in view any thing of importance as likely to call for such a meeting, to give special authority to the moderator to call it in the interval. In all other cases the moderator acts on his own responsibility, and his conduct in calling the meeting is the first point taken up. These extraordinary meetings are held with the same formalities as an ordinary meeting, except that the opening sermon is generally dispensed with. No other business can be taken up but that specified in the circular calling the meeting, which may be convened by advertisement in the newspapers.

3. The forms with regard to the opening and closing of the sederunts are the same as those observed at the meetings of Presbytery; and the discussions are conducted according to the same rules as are noticed in the inferior court. When the discussion is closed, and the vote about to be taken, the door of the Synod-house is locked by the officer, and the key brought to the clerk and laid on the table, and no one is allowed to go out without the permission of the court. This insures quietness and accuracy, and prevents disputes arising as to who were present or absent at the time of voting.

The Synod, like the Presbytery, is an open court, but it may sit in private when it chooses. The diet for privy censures, afterwards described, is always held with closed doors, though in some Synods office-bearers, licentiates, and students of divinity are permitted to be present.

SECTION 4.—JURISDICTION.

1. The Synod is the next superior court to the Presbytery, and inferior only to the General Assembly. As such, it reviews the proceedings of the Sessions and Presbyteries within its bounds, and determines all references, complaints, and appeals coming before it from these courts, or from parties within its limits. It takes also a general oversight of the spiritual condition of all the Presbyteries and congregations connected with it,—takes an interest in and promotes the Sustentation Fund, and all the other great schemes of the Church,—it gives authority to Presbyteries to take students of divinity on public trials for licence,—discusses and sends up overtures to the Supreme Court,—

and, in a word, seeks to promote by every means in its power the general interests of the Church and the spiritual welfare of the district with which it is connected.

SECTION 5.—BUSINESS.

First diet.

1. The Synod having been opened by the moderator by prayer, at the close of divine service, the roll being made up, as already described, and a new moderator chosen, the minutes* of the last meeting are read over, and such matters as require to be noticed are taken up in order. The Synod then appoints two large committees, called respectively the Committee of Overtures, and the Committee of Bills, References, and Appeals.† It may appoint in the course of its sittings any other committees; and it has often standing committees on subjects of permanent importance, which give in reports at such times as may be arranged by the court. There are also committees appointed for revising the records of the Presbyteries within the bounds. These report in writing; and if any thing censurable occurs, it is recorded as censured in the minute, and also in the attestation of the record. The revision commences from the previous attestation. A form of attestation is given in Act, Assemb. 1700, ix.; but it is generally expressed in fewer words.

The clerk next mentions the names of students, in whose behalf Presbyteries have applied for power to take them on

* It is sufficient in general to read the rubrics of the record, unless when the full minute is specially required to be read. This saves much time.

† In some Synods these two Committees are combined under the name of the Committee on Bills and Overtures.

public trials for licence, and their cases are invariably taken up at the next sederunt.*

There is then an adjournment for a short period,—such as half-an-hour,—in order to allow the Committees on Overtures and Bills to meet.

2. These committees, appointed, as already stated, at the first diet, are often composed of all the members of Synod, arranged by the clerk in two divisions, according to any plan that may be agreed upon. All the business to be transacted by the Synod, except its routine duties, is prepared by these committees, and comes through them. Nothing in the shape of an overture, or case, can be taken up, that has not received their approval in point of form. They can meet as often as they please, with the sanction of the court and while it is not actually sitting, and report from time to time. Each committee has its own moderator and clerk. The Committee on Bills chooses its own officials, but the moderator and clerk of Synod discharge these duties, *ex officio*, in the Committee for Overtures. All papers given in to these committees are accompanied with petitions, praying for their transmission to the Synod, and signed by the party, or parties, bringing them forward.† Overtures are also signed by one or more of the members of Synod. If there be any informality in these papers, it is the duty of the committees to reject them till such be corrected, and they have also the power of refusing to bring any overture or paper before the Synod; but there

Committees
on Overtures
and Bills.

* Where any student's certificates may have been neglected to be transmitted to the Synod, the student himself or any member can hand them in at any diet of the court, except the last.

† In strictness every overture should be accompanied by a petition to the committee, but this formality is now generally dispensed with.

is, in every such case of refusal, an appeal to the Synod itself, and thus the proceedings of the committee are subject to the review of the court. The minutes of these committees constitute their report, and in these minutes they narrate their proceedings, give a list of all the papers brought before them, and thus bring those they agree to transmit before the Synod.*

Second diet.

3. The Synod, when it resumes after the brief adjournment mentioned, and after being constituted, and hearing the minutes of the former sederunt read, proceeds to consider the cases of those students in whose favour circular letters have been written to the various Presbyteries. The receipt of these letters is duly acknowledged by the several Presbyteries *coram*. The certificates, along with Presbyterial abstracts of the same, are then either referred to a committee to report to a future diet, or at once taken into consideration; and if found satisfactory, leave is given to the several Presbyteries to take the students on public probationary trials, and license them if found qualified.—(Assemb. 1854, vii.)

The reports of the Committees on Overtures and Bills are then severally given in, and the Synod having thus its whole business in view, arranges the same in any order it pleases, and takes up the overtures and cases transmitted by these committees at the times most convenient for all parties, and also fixes the time when the reports of any other committees shall be received and discussed.

Overtures.

4. In discussing an overture, one of the parties signing it introduces it, is heard in its support, and generally moves its adoption or transmission to the Assembly, as the case

* For forms of these minutes see Appendix No. I., 4.

may be. If not seconded, it falls to the ground; but if seconded, and no contrary motion be made, it is agreed to, after any other members have expressed their opinion. If opposed, a discussion follows, which is conducted on the same principles as have been already referred to under the Presbytery. The mover of the overture has the right of reply, and the vote is taken by the calling of the roll, in the order in which it is made up. If an overture be transmitted to the Assembly, certain parties are generally appointed to support it in the Supreme Court.

5. Under the technical expression "Bills," are included Bills. all cases coming before the Synod, such as complaints, &c., and these are severally heard and determined according to the rules laid down as followed by Presbyteries. The papers in the case are first read, parties are then heard and removed, and the court finally gives its judgment. Of course there is an appeal from its decision to the General Assembly, and a power of dissent and complaint on the part of any of its members, either of which sists procedure, and brings the matter for final decision before the Supreme Court.

6. Reports are taken up and discussed by the Synod at Reports. any time or times most convenient. They are drawn up, signed, and given in, by the respective conveners of the committees, and are disposed of as the Synod determines. The committees are then either re-appointed or discharged.

7. The Synod has corresponding members of the great Schemes of
the Church. Schemes, just as the Presbytery, and these members, in the course of the sittings, give in reports on the state of their respective funds, and the Synod then adopts such measures

as may tend to advance the prosperity of, or increase the interest in, these great objects within its bounds.

Diet for privy censures.

8. There is a diet for privy censures at every stated meeting of Synod, which is held in private, and in which the reports on Presbytery books are given in and discussed. This used to be called the trial of Presbyteries, because the conduct of these bodies was formally inquired into, and censure given where needful. The Committee on Presbyterial Visitations, whose report is appended to the Acts of Assembly 1846, though not formally adopted, recommends that this trial of Presbyteries should take place at the second diet of Synod, in order that it may not be unduly postponed, and thus imperfectly discharged. In this trial the Synod proceeds to examine as many Presbyteries at each periodical meeting as it can conveniently overtake. The Presbytery to be examined is placed at the bar, its moderator and clerk at least appearing, and a brotherly inquiry then takes place into its actings and procedure, and the state of matters within its bounds. The report above referred to suggested the following subjects of inquiry as fitted to bring out all the points to which the attention of the Synod should be directed:—Whether the meetings of Presbytery are usually attended by all the members, and whether one meeting in each year is set apart for prayer—observance of the presbyterial exercise and visitation, acts of last Assembly read, and overtures considered,—records of Kirk-Sessions and Deacons' Courts revised, and accounts attested,—communion-rolls attested,—residences of ministers,—number of elders and deacons,—have they signed the formula?—how many vacancies?—how many preaching stations?—how many schools, and are they

visited?—lecturing and preaching of ministers,—how often the sacrament of the Lord's Supper is dispensed,—ministerial visitation of families,—collections for schemes,—report received from Kirk-Sessions on the state of religion,—Sustentation Fund,—fast or thanksgiving days, appointed by competent authority, observed,—what means taken for checking the growth of profaneness and error, and for preaching the gospel where no congregation is formed?—are there any meetings among the brethren for prayer and conference, with the view of strengthening each other's hands in the work of the ministry?

In the Synod of Aberdeen the Presbyteries are formed into two divisions, one half being examined in the spring, and the other half at the autumn meeting. The Presbyteries to be examined have a schedule sent them, to be filled up previous to the synodical meeting. This schedule being returned, is first read, and a brotherly conference takes place on the matters contained in it. This plan has been found to work well, and thereby a most valuable body of statistical information is accumulated, which is not lost, as too frequently happens when mere verbal reports are given in.*

Synods are enjoined, by the annual act anent the Missionary and Educational Schemes of the Church, to take a particular account of the diligence of their respective Presbyteries in making the appointed collections for the schemes, and to record the same in their books.

9. At the close of the business of the Synod a committee Close of Synod. is appointed to revise the minutes before they are written

* A condensed notice of this schedule will be found in Appendix No. XII.

in mundo. This committee may meet at the close of the last sederunt, and the scroll minutes thus revised are then signed by the moderator and clerk. The record, when fairly transcribed, with all the minutes duly signed, is sent up yearly to the General Assembly to be revised and attested.—(See Standing Orders, Appendix No. XIII.) These Synod books are called for on the first Tuesday of the Assembly, and the reports of the committees on them are given in on the Saturday following. There is a schedule, according to which these reports are drawn up.—(See Assemb. 1853, Acts, p. 25.)

An abstract of the proceedings of every periodical meeting of Synod is sent through the clerks to all the Presbyteries within its bounds, as soon as possible after said meeting.

CONCLUDING NOTE
ON THE GENERAL ASSEMBLY.

THIS work is confined to the practice of the inferior courts, and consequently does not embrace the General Assembly, but many of the powers and duties of the Supreme Court will be found in the preceding pages, and the mode of electing its members has been minutely detailed. The Assembly meets once a-year in Edinburgh in the month of May, and is presided over by one of its members (who must be a minister), chosen annually. It sits commonly for eleven days, meeting on Thursday, and closing on the Tuesday week thereafter. The general rules for conducting business in Presbyteries and Synods apply to the Assembly; a minute directory thereanent is therefore less needed, and most of the practical details that require to be known relative to its meetings and business are contained in the Standing Orders, which will be found in Appendix No. XIII.

The Commission of Assembly consists of all the members of Assembly, with the addition of one minister, named by the moderator. Its stated times of meeting are the second Wednesday of August, at twelve noon, the third Wednesday of November, and the first Wednesday of March. It may, however, meet oftener. It chooses its own moderator, and thirty-one constitute a quorum, of whom sixteen must be ministers. See instructions given to it, and its powers, in the first act of every Assembly.

APPENDIX.

APPENDIX.

No. I.

FORMS OF MINUTES.

[It is intended here to give only a few specimens of the language in which minutes of church courts are drawn up, and to show the way in which the more common occurrences are narrated. By attending to these, a minute on any piece of business may be correctly written. Where more ample information is required on the subject, the reader is referred to the "Styles of Writs, &c., by the Church Law Society." It is not meant that the business cannot be as well narrated in other language than that here adopted; examples are merely furnished of the common and plain terms that are generally employed in the records of church courts.]

1. *The Deacons' Court.*

(1.) Free Church (*place and date*).

Date.

The which day the Deacons' Court met, and was constituted. Sederunt,—The Rev. A. B., moderator; C. D., E. F., elders; and G. H., I. J., K. L., deacons. Sederunt.

The minutes of the former meeting were read and approved of.

An extract minute of the Kirk-Session of this congregation was read, the tenor whereof follows:—(*Here take it in.*) In virtue of the foregoing minute, Messrs E. F. and K. L. took their seats as members of this court, and their names were added to the roll and to this sederunt,

Election of
Messrs E. F.
and K. L.

Resignation
of Mr M. N.

A letter was read from the session-clerk, intimating the resignation of Mr M. N., one of the deacons of this congregation, and that the Session had accepted the same. M. N.'s name was accordingly removed from the roll.

Monthly con-
tributions.

The contributions to the Sustentation Fund for the past month were then paid over to the treasurer of the association, amounting to £ . There was also paid, as the monthly contribution to the Education Fund, the sum of £ .

Collections
authorised.

A collection was authorised to be made on Sabbath week, the inst., for ; and intimation thereof was directed to be given from the pulpit on Sabbath first. It was resolved to devote the communion collection, as usual, to the poor members of the congregation.

Accounts
warranted.

The treasurer laid before the meeting the following accounts,—viz., £ to Messrs B. C. and Co., builders, for repairs on the church; £ . (*Here take in the rest.*) These accounts were passed by the meeting, endorsed by the moderator, and authorised to be paid. The treasurer was farther authorised to pay the feu-duty, and the usual salaries due at the ensuing term. Closed with prayer.

A. B., *Moderator.*

I. J., *Clerk.*

Date.

(2.) Free Church (*place and date*).—The which day the Deacons' Court met. In the absence of the moderator, Mr C. D. was appointed chairman, and constituted the meeting by prayer.

Sederunt.

Sederunt, &c.

The minutes of last meeting, &c.

Ministers'
supplement.

The treasurer was authorised to pay the minister £ , as the half-yearly supplement to his stipend.*

* See note relating to this, p. 23.

The court directed intimation to be made, on Sabbath first, of the seat-letting for the ensuing half-year; and they appointed the following committee to collect the seat-rents, to let vacant sittings, and to allocate sittings to the poor who are unable to pay for the same,—viz., Messrs E. F. and G. H., with the clerk and congregational treasurer,—Mr E. F., convener. Seat-letting.

The auditors appointed at last meeting reported that they had examined the treasurer's accounts, had compared the same with the vouchers, and had found them correct. Of these accounts, the following is an abstract:—(*Here take it in.*) The court sustained the report, and instructed the clerk to transmit a copy of the above abstract to the general treasurer of the Church; and he was further instructed to send the other copy along with the record and treasurer's book to the clerk of the Presbytery, to be examined and attested. Closed with prayer. Report of auditors.

C. D., *Chairman.*

I. J., *Clerk.*

2. *The Kirk-Session.*

(1.) Free Church Session-House (*place and date*).—The which day the Kirk-Session met, and was constituted with prayer, by the Rev. A. B., the moderator. Sederunt,—The moderator, and C. D., E. F., and G. H., elders. There were also present I. J., and K. L., deacons. Date.

The minutes of the former meeting were read and approved of.

The Session proceeded, in terms of last minute, to choose a clerk, when M. N., teacher of the congregational school, was unanimously appointed; and, being called in, he made Election of clerk.

the usual declaration *de fidei*, and took his seat as clerk accordingly.

Additional
elders and
deacons.

The Session having taken into consideration the propriety of adding to the number of elders and deacons in this congregation, resolved unanimously, that it is expedient that at least additional elders and additional deacons be appointed; and they resolved to take the usual steps to procure the nomination and election of such by the members of the congregation. The moderator was accordingly directed to give due notice thereof on Sabbath first, and to issue nomination schedules, so that when these are returned, a leet may be formed, from which the requisite number of additional office-bearers may be chosen by the congregation.

Lord's sup-
per.

The Session proceeded to take into consideration the appointment of a day for the celebration of the sacrament of our Lord's supper in this congregation; and they did and hereby do appoint Sabbath, the of next, for that purpose; and they also appoint the usual days of humiliation, preparation, and thanksgiving, in connection with that solemnity; and they direct intimation thereof to be made from the pulpit on Sabbath, the day of current.

Purging roll.

It was agreed to hold a meeting *in hunc effectum*, on , for the purpose of purging the communion roll.

O. P. and
R. S.

Compeared O. P., an unmarried woman, and a member of this congregation, residing at , confessing that she had brought forth a child in uncleanness about ago, and charging R. S., an unmarried man, and also a member of this congregation, residing at

, as the father of said child. She was solemnly admonished by the moderator, and cited *apud acta* to next ordinary meeting of Session,—to which meeting the said R. S. was directed to be summoned.

Compeared T. U., and V. W., his wife, both members of this congregation, residing at _____, confessing themselves guilty of ante-nuptial fornication. The moderator having stated that he had had an opportunity of dealing with these parties privately, and having reported favourably regarding them, the Session agreed to absolve them at this meeting; and accordingly, after a serious rebuke and solemn admonition, they were absolved from the scandal of their sin, and restored to the privileges of the Church.

T. U. and V. W., married.

A. L., cited *apud acta* to attend the present meeting, being then called, compeared. She adhered to her former confession and declaration, that C. M. was the father of her illegitimate child. The said C. M. being present, compeared; and, on being interrogated by the moderator, he admitted the truth of the accusation. Both parties were then solemnly admonished, and remitted to the moderator and elder of the district for dealing.

A. L. and C. M.

D. N., who was cited to attend this meeting, was then called, but failed to compear. He was directed to be summoned *pro secundo* to next meeting of Session.

D. N.

Thereafter compeared E. L., an unmarried woman, confessing, &c. The said F. O. being present, was called in, and on being interrogated by the moderator, admitted the truth of the charge. The Session, considering that this is a case of adultery, referred the matter to the reverend the Presbytery of the bounds, and directed the clerk to trans-

E. L. and F. O.

mit an extract of this minute to the clerk of the Presbytery. The parties were then solemnly admonished by the moderator, and directed to attend the first ordinary meeting of Presbytery.

B. A. It was reported that B. A., unmarried, a member of this congregation, had given birth to a child in uncleanness some weeks ago. She was directed to be called to next ordinary meeting. Closed with prayer.

A. B., *Moderator.*

M. N., *Clerk.*

Date. (2.) Free Church Session-House (*place and date*).—The which day, &c.

Sederunt. Sederunt, &c.

Election of
elders and
deacons.

The moderator reported that he had dealt with the parties elected to the eldership and deaconship anent acceptance of said offices, and that they had all agreed to accept the same, with the exception of .
The Session, being satisfied that the elders and deacons elected are duly qualified for the discharge of their respective offices, resolve that their ordination shall take place in the face of the congregation on Sabbath, the , after divine service in the forenoon; and they direct an edict to this effect to be served in common form on Sabbath first (a copy whereof being also affixed to the most patent door of the church), giving notice to the people, that if any of them have any objections to state why any or all of the aforesaid persons should not be ordained to the eldership and deaconship in this congregation, they will have an opportunity of stating the same at a meeting of Session, to be held for that purpose within the Session-house, on , the day of ,

at _____ o'clock, in the _____, with the usual certification.

The Session then resumed consideration of the case of A. F. and C. G., referred to in the minute of _____; ^{A. F. and C. G.} and after serious deliberation anent the same, considering that the statements of the woman are not satisfactory, while at the same time strong suspicion rests on the said C. G., the Session did, and hereby do, resolve to delay farther procedure in the case, till God, in his providence, shall throw light thereon. The parties were called in, and this judgment being announced to them, they were, after serious admonition, dismissed for the present.

Compeared S. A. and T. B., referred to in the minute of _____; ^{S. A. and T. B.} The moderator reported anent these parties, who had been referred to him for dealing, that the spirit they displayed was most inconsistent with their position, and that they exhibited no signs that they were brought to a due sense of their sin. The Session sustained the report; and considering, farther, the manner in which the said S. A. and T. B. had conducted themselves before the Session, did, and hereby do, sist procedure in their case, till they be brought to a better mind. After serious admonition, they were dismissed accordingly.

Thereafter compeared A. A., confessing, &c. The said ^{A. A. and B. B.} B. B. also appeared, and admitted the truth of the charge. As it appeared that the said B. B. was a member of _____ Free Church, the clerk was directed to send an extract of this minute to the Kirk-Session of that congregation, that he might be dealt with according to the laws of the Church. A. A. was remitted to M. C., the elder of the district wherein she resides, for dealing.

A. Z. and
B. Y.

The Session then proceeded to investigate the case of A. Z. and B. Y., referred to in the minutes of . Parties being called, both compeared and adhered to their former declarations and statements. It appeared that the following witnesses were in attendance, with a view to prove the truth of the charge brought by A. Z. (*here name them*), and that the following witnesses were present in exculpation on the part of B. Y. (*here name them*). Accordingly, the above-mentioned C. C. was called in, and having solemnly declared that he would speak the truth, and being purged of malice and partial counsel, was examined by the moderator and Session, and cross-examined by the said B. Y. His deposition was then read over in his hearing, and signed by him; and, being attested by the moderator and clerk, was ordered to be kept *in retentis*.

D. D. was then called, and having solemnly declared, &c. Her deposition was then read over in her hearing. The witness having declared that she could not write, her deposition was signed by the moderator and clerk in her presence, and ordered to be kept *in retentis*. (*Then follows the examination of all the other witnesses on both sides in the same way.*) The proof being closed, parties were removed. The Session having deliberated, came unanimously to the following finding:—(*Here state it.*) Parties being called in, the judgment of the Session was announced to them. Closed with prayer.

A. B., *Moderator.*

M. N., *Clerk.*

(3.) Free Church Session-House (*place and date*).—The which day, &c.,

In accordance with former resolutions, the moderator did this day, after sermon, put to Messrs (*here name them*), who had been chosen to be elders, and Messrs (*here name them*), who had been chosen to be deacons, the questions appointed to be put to elders and deacons before their admission to these offices; and they, having given satisfactory answers to the same, he did admit the aforesaid (*here name him*), already an ordained elder of this Church, to the said office in this congregation; and thereafter, by solemn prayer to Almighty God, he did set apart the remanent persons aforesaid to the offices of the eldership and deaconship respectively. They were then admitted to the exercise of the said offices in this congregation, and to all the rights and privileges belonging thereto; and in token thereof received the right hand of fellowship from the brethren present. The moderator afterwards addressed them and the congregation on their respective duties. Divine service being ended, the newly-admitted elders and deacons subscribed the formula prescribed by Act xii. of the General Assembly 1846. The names of the elders were then added to the roll of the Session, and intimation was directed to be given to the Deacons' Court of the proceedings of this day.

Ordination
of office-
bearers.

The Session then proceeded to enrol the names of the young persons who were desirous to join the communion of the Church on the next occasion of the celebration of the Lord's supper. There appeared in all young men and young women. They were referred to the moderator to examine them and report to a future meeting of Session. Closed with prayer.

Catechu-
mens.

A. B., *Moderator.*

M. N., *Clerk.*

Date. (4.) Free Church Session-House (*place and date*).—The
which day, &c.,

Distribution of tokens. The Session then proceeded to distribute tokens to the communicants on the roll, each elder taking charge of his respective district.

Admission of young communicants. Thereafter, the moderator read the names of the young persons referred to in minute of _____, who for the past _____ had been attending his class for young communicants. Having reported favourably of their religious knowledge and conduct, the Session ordered their names to be added to the communion roll; and after divine service, and a solemn and suitable address by the moderator, they were, in presence of the congregation, received as members of this Church, and served with tokens.

Strangers. Tokens were thereafter served to _____ persons from other congregations on their producing the usual certificates of membership, and their names were added to the communion roll.

Election of Commissioner. Thereafter Mr C. D. was unanimously elected Commissioner from this Session to the Presbytery and Synod for the ensuing six months, and his commission was produced, filled up, and attested by the moderator and clerk *coram*.
Closed with prayer. A. B., *Moderator*.

M. N., *Clerk*.

3.—*The Presbytery.*

[It will be sufficient here to give forms of the commencement and close of the various kinds of meetings of this court. In all matters of business it is of chief importance that the *res gestæ* be narrated briefly but clearly.]

(1.) At _____ (place and date).—The (Ordinary meeting.)
 which day the Free Church Presbytery of _____
 met, and was duly constituted by prayer. Sederunt,—The Sederunt.
 Rev. A. B., moderator; Messrs C. D., E. F., G. H., ministers,
 and Messrs I. J. and K. L., ruling elders, and the clerk.

The minute of the former meeting was read and approved of.

(Here follows the business.)

The Presbytery then adjourned to meet *in hunc effectum* Adjournment.
 within the church, at _____, on _____ the day
 of _____, at _____ o'clock; and also in this place on (a
future date) for ordinary business. Closed with prayer.

A. B., Moderator. ;

M. N., Clerk.

(2.) Within the Free Church at _____ (Meeting in
hunc effectum.)
 (date).—The which day the Presbytery of _____
 met *in hunc effectum*, and was duly constituted. Sederunt,
 —Rev. C. D., moderator, *p. t.*, &c. The part of the
 minute of last meeting referring to this day's proceedings
 having been read, the Presbytery (*here follows the special
 business which the court met to transact.*) Closed with
 prayer.

C. D., Moderator.

M. N., Clerk.

(3.) At _____ (place and date).—The (Meeting *pro
 re nata.*)
 which day the Free Church Presbytery of _____
 met *pro re nata*, and was constituted with prayer. Sederunt. Sederunt.
 runt,—Rev. A. B., moderator, &c. The circular addressed
 by the moderator to the members was read—the tenor
 whereof follows :—(*Here take it in.*) It was then moved,

seconded, and unanimously agreed to, that the Presbytery approve of the conduct of the moderator in calling this meeting, and sustain the *res nata*.

(*Here follows the particular business for which the meeting was called.*) Closed with prayer.

A. B., *Moderator*.

M. N., *Clerk*.

(Meeting during Synod.)

(4.) At _____ (*place and date*).—The _____ which day the Free Church Presbytery of _____ met by special authority and appointment of the Synod, and was duly constituted. Sederunt,—The Rev. E. F., moderator, *p. t.*, &c.

(*Here take in the business.*)

Closed with prayer.

E. F., *Moderator*.

M. N., *Clerk*.

4.—*The Synod.*

(Ordinary meeting, first diet.)

(1.) At _____, the _____ day of _____ one thousand eight hundred and _____ years, the Provincial Synod of _____ met, after sermon by the Rev. A. B., of C., their moderator, on the text _____. After being constituted with prayer by the moderator, the clerk produced the following roll of all the ministers having charges within the bounds, (and Professors of Divinity.) (*Here take it in.*) The roll having been called, there were given in and sustained the following commissions from ruling elders:—

Roll.

(*Here take them in.*)

The following took their seats as members of court:— Sederunt.
(*Here take in the sederunt.*)

Correspondents from neighbouring Synods having been called, there was produced a commission from the Synod of D. in favour of the Rev. C. F., minister at _____, and G. H., ruling elder, which having been read and sustained, the names of these commissioners were added to the roll, and the said G. H. being present, took his place accordingly.

The roll having been thus made up, the Synod proceeded to elect a moderator for the next half-year, when the Rev. L. M., minister at N., was unanimously chosen, and took the chair accordingly.

(*Here follows the business.*)

The Synod then adjourned to meet in this place at _____ o'clock, this day, whereof public intimation having been made, this sederunt was closed with prayer.

L. M., *Moderator.*

M. N., *Clerk.*

(2.) At _____ (*place and date*).—The
which day, &c. Sederunt, &c.

The moderator of the Presbytery of A. having requested leave for that Presbytery to meet during the interval between this and next sederunt, the Synod granted the request, and appointed the said Presbytery to meet in _____, at _____ o'clock this day, whereof public notice was given. (*Here follows other business.*)

The Synod having called on the correspondents appointed at last meeting, to report their diligence, Messrs E. and F. gave in a certificate of their attendance at the Synod of B.

The Synod sustained the excuse of Mr G., who was unable to attend the Synod of C.

The following correspondents were then appointed. (*Here take in their names.*)

Revisal of
Record.

The following members were appointed a committee to revise the minutes of this Synod, and were instructed to meet at the close of this sederunt. (*Here take in their names.*)

Adjourn-
ment.

The Synod then adjourned to meet at _____, on _____ the _____ day of _____ next, whereof public intimation having been made, this meeting was closed with prayer.

L. M., *Moderator.*

M. N., *Clerk.*

Committees of Synod.

(1.) On Overtures.

(Committee
on Over-
tures.)

At _____ (*place and date*).—The _____ which day the Committee on Overtures met and was duly constituted with prayer. Sederunt,—The Rev. L. M., moderator, and Messrs _____ ministers, and Messrs _____ elders, and the clerk.

The following overtures were laid before the Committee, and having been duly examined, it was unanimously agreed to transmit the same to the Synod, viz. :—

1. Overture anent (*state title of it.*)
2. Overture anent _____
3. Overture anent _____

Closed with prayer.

L. M., *Moderator.*

M. N., *Clerk.*

(2.) *On Bills.*

At (place and date).—The (Committee
on Bills, &c.)
(1.)
which day the Committee on Bills, References, and Appeals met. The Rev. A. B. was chosen moderator, and the Rev. C. D., clerk. The meeting was constituted with prayer by the moderator. Sederunt, &c.

There being no business before the committee, it was closed with prayer.

A. B., *Moderator.*

C. D., *Clerk.*

A petition was presented by the Rev. O. P., minister, ⁽²⁾ at R., praying that the following papers relating to an appeal from the judgment of the Presbytery of _____ be transmitted to the Synod. (*Here insert the titles of the papers in their order.*)

The committee having duly examined these papers, agreed to the prayer of the petition, and resolved to transmit them to the Synod. Closed with prayer.

A. B., *Moderator.*

C. D., *Clerk.*

No. II.

FORMS OF DOCUMENTS, &c.

1. *Simple Mode of Keeping Congregational Accounts.*

The account-book requires to be pretty large. The left hand page is headed "Receipts," and the right hand page "Payments." Both pages are ruled precisely alike, and divided into eleven columns for money, as follows. We give a specimen how the items are entered:—

Receipts.

Date.	Items.	Building Fund.	Sustentation Fund.	Education Fund.	Foreign Missions.	Schemes.	Ordinary Collections.	Extraordinary Collections.	Poor.	Seat-rents.	Miscellaneous.	Total Amount.
1855. March 2.	Collection for Colonial Sch.					15 0 0						15 0 0
— 3.	Monthly Sustentation Subscription.		25 0 0	3 10 0								28 10 0
— 5.	Donation to poor.								5 0 0			5 0 0
— 9.	Collect. (Sabbath.)						3 6 0					3 6 0

Payments.

Date.	Items.	Building Fund.	Sustentation Fund.	Education Fund.	Foreign Missions.	Schemes.	Ordinary Collections.	Extraordinary Collections.	Poor.	Seat-rents.	Miscellaneous.	Total Amount.
1855. June 20.	Feu Duty.									8 10 0		8 10 0
	Supplement to minister.						50 0 0					50 0 0
July 5.	Monthly Contributions re-mitted.		20 0 0	412 0								24 12 0
— 6.	Donation to a poor member in affliction.								0 10 0			0 10 0

2. *Forms of Bequest to the various Schemes of the Church, as given by authority of the Committees of the same.*

(1.) To the Schemes.

[These are,—1. Sustentation Fund for the Ministry; 2. Education Fund; 3. Foreign Mission Fund; 4. Home Mission Fund; 5. Jews' Conversion Fund; 6. Highland Mission Fund; 7. Colonial Churches' Fund; 8. Church Building Fund; 9. College Endowment Fund; 10. Extinction of Debt Fund.]

I leave and bequeath the sum of pounds sterling (*the amount to be stated in words, not figures*) to the Committee for the management of (*insert here the name of the fund or funds selected*) of the Free Church of Scotland; and I appoint the same to be paid, at the first term of Whitsunday (or Martinmas) after my death, to John Macdonald, Esquire, General Treasurer to the Free Church of Scotland, and his successors in office, treasurers aforesaid; and I declare that the discharge of the said John Macdonald, Esquire, or of the said treasurer for the time being, shall be a sufficient discharge to my executors.

(2.) To the Fund for Aged and Infirm Ministers.

[The Assembly 1848 (Act iv.) resolved that steps should be taken, without delay, to create by donations and bequests a fund to be called "A Fund for Aged and Infirm Ministers of the Free Church of Scotland," out of the interest of which provision may be made for retiring allowances to aged and infirm ministers, without burdening the Sustentation Fund. At the last General Assembly (1855), it was reported that the capital of the Fund had reached

£15,687, 3s. 9d. It is understood that, since that time, a munificent bequest has been made to it, which, with other donations, makes the capital now to amount to nearly £30,000. The interest of this capital is now available for its benevolent purpose.]

I leave and bequeath the sum of pounds sterling (*the amount to be stated in words, not figures*), to be applied for behoof and towards the support of the aged and infirm ministers of the Free Church of Scotland, according to the regulations adopted or to be adopted by the General Assembly of the said Free Church, for the administration of the fund in connection therewith, known by the name of “The Fund for Aged and Infirm Ministers of the Free Church of Scotland;” and further, I appoint the said sum to be paid over for this purpose at the first term of Whitsunday (or Martinmas) after my death, to John Macdonald, Esquire, Treasurer to the Free Church of Scotland, and his successors in office, treasurers aforesaid; and I declare that the discharge of the said John Macdonald, Esquire, or of such treasurer for the time being, shall be a sufficient discharge to my executors (*or trustees, as the case may be*).

3. *Schedules for Nomination and Election of Elders and Deacons.*

(1.) *Nomination Schedule.*

Election of Office-bearers in the Free Church congregation of

“Men of best knowledge in God’s Word, and cleanest life; men faithful, and of most honest conversation that

can be found in the Kirk, must be nominate to be in election.”—(First Book of Discipline, x. 1.)

“Elders and deacons are required to be tender and circumspect in their walk, and punctual in their attending upon ordinances, and strict in their observance of the Lord’s day, and in regularly keeping up the worship of God in their families; and it is appointed that the judicatories of the Church take good heed that none be admitted to these offices but such as are found qualified and behave themselves, as above required.”—(Assembly 1722, Act ix. See also 1 Tim. iii., and Acts vi. 3.)

Nomination of Elders.

(To be filled up with the names of one or more persons, and signed by two male communicants, and returned to the office-bearer at the church door next Sabbath.)

We, the undersigned, believing that the person (or persons) hereafter designated, possess the requisite qualifications to serve in the eldership, and would make conscience of a right discharge of its duties, request that he (or they) be put in the list of persons from which the people are to select the new elders.

_____, *Male Communicant.*

_____, *Male Communicant.*

Person or Persons Nominated.

Residence.

Nomination of Deacons.

(Exactly the same as the above, substituting deacons for elders.)

(2.) *Election Schedule.*

Election of office-bearers in the Free Church congregation of

“Elders and deacons are required to be tender and circumspect,” &c. (*as in the Nomination Schedule*).

Nominees

FOR ELDERS.		FOR DEACONS.	
<i>Names.</i>	<i>Residences.</i>	<i>Names.</i>	<i>Residences.</i>
<i>(Arranged alphabetically.)</i>		<i>(Arranged alphabetically.)</i>	

Names of above Nominees voted for

AS ELDERS.	AS DEACONS.
1. (<i>leave as many blanks as</i>	1.
2. <i>there are office-bearers</i>	2.
3. <i>required.</i>)	3.

I, the undersigned, vote for the persons whose names I have written above, believing them to be qualified to serve in the Eldership and Deaconship, respectively, in this congregation.

_____, *Communicant.*

To the Kirk-Session,

_____ *Free Church.*

* * This paper is to be filled up, signed and sealed, and given in to the office-bearers at the church door on Sabbath next.

the said edict was returned duly executed, and none having appeared to state any objections to the life and conversation of the aforesaid persons, I shall now, by the appointment of the Session, proceed to ordain them to the office of the eldership (or deaconship.) Previously, however, to doing this, I shall put to them in order the questions appointed by Act xii., Assembly 1846.—(See Appendix No. IV.)

6. *Certificates of Membership.*

(1.) Free Church (*place and date.*)

We hereby certify that A. C. (*designation, and married or unmarried*), now residing _____, was duly admitted a member of this congregation in 18____, is in full communion with the Church, and now leaves the congregation free from all ground of church censure, so far as known to the Kirk-Session.

A. B., *Minister.*

M. N., *Session-Clerk.*

(2.) Free Church (*place and date.*)

We hereby certify that the bearer, _____, left the congregation of the Free Church of _____ 18____, possessing at the time, so far as known to us, a good moral character, and in full communion with the Free Church of Scotland.

A. B., *Minister.*

C. D., *Elder.*

M. N., *Session-Clerk.*

8. *Commission to Ruling Elder, entitling him to sit in the Presbytery and Synod.*

At _____, the _____ day of _____, one thousand eight hundred and _____ years; the which day the Kirk-Session of the Free Church at _____ having met and been constituted, did, and hereby do, nominate and appoint (*here insert the elder's name and designation*), ruling elder, to be their commissioner to the Free Synod of _____, indicted to meet at _____, on the next, or when or where it shall happen to sit; as also they did, and hereby do, nominate and appoint the said _____ their commissioner to the several diets of the Free Presbytery of _____, until the ensuing Synod, willing him to repair, respectively, to the said Synod and Presbytery, and to attend all the diets of the same, there to consult, vote, and determine, in all matters that come before them, to the glory of God and the good of his Church, according to the Word of God, the Confession of Faith, and agreeably to the Constitution of this Church, as he will be answerable; and that he report his diligence therein at his return therefrom; and the said Kirk-Session does hereby testify and declare, that the said ruling elder, above written, has signed the formula prescribed by the General Assembly, is *bona fide* an acting elder in said congregation, and is in every other way qualified for being a member of Synod and Presbytery.

Extracted by M. N., *Session-Clerk.*

Attested by A. B., *Moderator.*

9.‡ *Bona fide Certificate from a Kirk-Session to a Ruling Elder, Commissioner to the General Assembly (1850, ix.)*

At _____, the _____ day of _____, _____ years.—
Which day the Kirk-Session of the Free Church congregation of _____ being met and constituted. Sederunt,—The Rev. A. B., moderator; and Messrs C. D., E. F., and G. H., elders. The said Session did, and hereby do, certify and declare, that K. L. (*designing him*), ruling elder and member of said Session, is *bona fide* an acting elder of their congregation.

A. B., *Moderator.*

M. N., *Clerk.*

10. *Oath (or Declaration) de fidei.*

I swear (or I declare) that I will faithfully discharge the office now committed to me.

11. *Oath (or Declaration) by a Witness, and his Purgation.*

I swear by Almighty God, as I shall answer to God at the great day of judgment (or I declare), that I will tell the truth, the whole truth, and nothing but the truth, so far as I know or shall be asked. (The witness, in swearing, holds up his right hand).

Purgation.

(1.) Has any person told you what to say, or promised or given you any thing for your evidence?

(2.) Have you any malice or ill-will against any of the parties in this case?

(3.) Have you any interest in the case?

12. *Oath of Purgation.*

I, A. C., now under process before the Free Church Presbytery of _____, for the sin of _____, alleged to be committed by me with E. F., and lying under that grievous slander, being reputed as one guilty of that sin, —I, for ending of the said process, and giving satisfaction to all good people, do declare, before God and this Kirk-Session (or Presbytery), that I am innocent of the said sin of _____ charged against me. And I hereby call the great God, the Judge and Avenger of all falsehood, to be witness and judge against me in this matter, if I be guilty; and this I do by taking his blessed name in my mouth, and swearing by him, who is the great Judge, Punisher, and Avenger, as said is; and that in sincerity of my heart, according to the truth of the matter and my own innocence, as I shall answer to God in the last and great day, when I shall stand before him to answer for all that I have done in the flesh, and as I would partake of his glory in heaven after this life is at an end.

13. *Certificate from a Minister to a Student of Divinity, previous to his annual enrolment by the Theological Professors.*

These certify all whom it may concern, that Mr S. D. _____ has resided during last year at _____, and is con

nected with my congregation; and that his conduct, as far as is known to me, has been in every respect such as becomes a student of divinity.

Given at _____, this _____ day of 18 _____ years, by
A. B., *Minister.*

14. *Circular Letter.*

Free Church Presbytery House (*place and date*).

REVEREND SIR,—The Presbytery of _____, having had the necessary certificates in his favour regularly laid before them, propose to take on public probationary trials Mr S. D., student of divinity.

I am, &c.,

M. N., *Presbytery-Clk.*

To the Rev. the Moderator
of the Free Church Presbytery of _____
(*To be communicated.*)

15. *Extract or Certificate of License.*

Free Church Presbytery House (*place and date*).

It is hereby certified, in name and by authority of the Free Church Presbytery of _____, that Mr S. T., having passed the usual course of literature and philosophy, and thereafter attended divinity for a competent time, as required by the General Assembly of the Church, appeared to be taken on trials for license by this Presbytery; that the Presbytery, having found him duly qualified, and the consent of the Synod having been obtained, they did take him upon public probationary trials; and, on a conjunct view of the whole of said trials, when

finished, declared their satisfaction with the same, and agreed that he should be licensed to preach the gospel. Whereupon, on the day of , in the year of our Lord one thousand eight hundred and , after the usual questions were put, and after having signed the formula required by the Church, he, the said Mr S. T., was licensed to preach the gospel, and exercise his gifts as a probationer for the holy ministry; and this certificate of license and testimonials were granted to him in common form.

A. B., *Moderator.*

M. N., *Clerk.*

16. *Presbyterial Certificate.*

That the bearer, Mr S. T., who is duly licensed by this Church to preach the gospel, has resided within the bounds of this Presbytery for the past ; that he has exercised his gifts as a preacher to the satisfaction of the members thereof who have had an opportunity of hearing him; and that he has conducted himself, as far as known to them, in a way becoming his position and his views to the office of the holy ministry; is certified at , in name and by appointment of the Free Church Presbytery of , this day of one thousand eight hundred and years, by

M. N., *Presby.-Clk.*

17. *Declaration of Pastoral Charge Vacant.*

In consequence of the death (demission, or translation,

19. *Forms of a Call, and Concurrence therein.*

(1.) We, the office-bearers and members of the Free Church congregation at _____, desirous of promoting the glory of God and the good of the Church, being destitute of a fixed pastor, and being most assured, by good information and our own experience, of the ministerial abilities, piety, literature, and prudence, as also of the suitability to our capacities of the gifts of you, Mr S. T., preacher of the gospel, have agreed to invite, call, and entreat, likeas we, by these presents, do heartily invite, call, and entreat you to undertake the office of pastor among us, and the charge of our souls; and farther, upon your accepting this our call, promise you all dutiful respect, encouragement, and obedience in the Lord. In witness whereof, we have subscribed these presents, this _____ day of _____, one thousand eight hundred and _____ years.

(Here follow the signatures.)

(2.) We, the office-bearers and members of the Free Church congregation at _____, desirous of promoting the glory of God and the good of the Church, considering our need of a colleague to the Rev. D. B., our present beloved pastor, in his charge; and being satisfied, by good information and our own experience, &c. (*The rest ut supra*).

Concurrence in Call by Adherents.

We, the subscribers, ordinary hearers in the Free Church congregation of _____, hereby declare our hearty con-

currence in the call addressed by the members of the said congregation to Mr S. T. to be their pastor.

(Here follow the signatures.)

Attestation.

I, A. B., moderator, appointed by the Free Church Presbytery of _____ to preach at the moderation of a call in favour of Mr S. T., do hereby attest the subscriptions to the within call to be the genuine subscriptions of those whose names they purport to be. A. B.

Note.—In all possible cases, the call or concurrence should be subscribed by the parties themselves. Where a person cannot write, a member of Presbytery may sign his own name, adding that of the person unable to write; thus, “A. B. *pro* N. S.,”—the said N. S. touching the pen of A. B., as in the case of notarial signatures, in token of authority given to subscribe for him.

20. *Edict previous to Ordination or Induction.*

The Free Church Presbytery of _____, having resolved to proceed to the ordination (or induction) of Mr S. T., who was duly called to be minister of this congregation (and whose trials were sustained), directed an edict to be issued in common form; and they did, and hereby do, issue their edict, giving notice to all persons concerned, and especially to members of this congregation, that if any of them have any thing to object to the life and doctrine of the said Mr S. T., they may repair to the Presbytery, which is (*D. V.*) to meet in this place on _____,

the day of , at o'clock ; with certification that if no one offer any relevant objection, or unless relevant objections be proved *instanter*, the Presbytery shall then forthwith proceed to the ordination (or induction) of the said Mr S. T. to the office of the holy ministry, and admit him to the pastoral charge of this congregation.

Attested by M. N., *Presby.-Clk.*

Certificate of Edict being Served.

Church, the day of , 18 .

The above edict was this day duly served by me, in the face of the congregation.

A. C., *Minister.*

A. W., *Witness.*

R. S., *Witness.*

21. *Form of Libel.*

(A single form is here given to show its general tenor. It is supposed, in this case, that the Presbytery are prosecutors. Other forms adapted to different cases may be seen in "Styles and Procedure," pp. 103-105.)

Mr B. B., minister of the Free Church congregation at A., in the Presbytery of C.,—You are indicted and accused, at the instance of (*here state the names of the moderator and members*) members of the said Reverend Presbytery of C., that, albeit by the Word of God, and the laws and discipline of the Free Church of Scotland, (*here state the denomination of offence*) is an offence of a heinous

nature, unbecoming the character and the sacred profession of a minister of the gospel, and severely punishable by the laws and rules of the Church : Yet true it is and of verity, that you, the said B. B., are guilty of the said offence, actor, or art and part, in so far as, on the day of , one thousand eight hundred and , or on one or other of the days of that month, or of immediately preceding, or of immediately following, you, the said B. B., did (*here describe the place and circumstances of the offence*) : All which, or part thereof, being found proven against you, the said B. B., by the said Reverend Presbytery of C., before which you are to be tried, in terms of your own public confession, or after habile and competent proof, you, the said B. B., ought to be punished according to the rules and discipline of the Church, and the usage observed in such cases, for the glory of God, the edification of the Church, and to the terror of others holding the same sacred office, not to commit the like offences, in all time coming. Signed at , in name, presence, and by appointment of the Presbytery of C., this day of , 18 years, by

A. B., *Moderator.*

M. N., *Clerk.*

List of witnesses to be adduced against you, the said B. B., for proving the foregoing libel :—

1. D. E. (*designation and residence*).

2. F. G. do.

&c.

&c.

There will also be produced, as farther proof of the foregoing libel :—

(*Here mention the documents produced.*)

Citation of Party or of Witness.

To _____ (*naming the person*).—Take notice that you will have to compare before the Reverend the Presbytery of C., of the Free Church of Scotland, within their usual place of meeting at _____, on the _____ day of _____, to answer to the libel, a copy of which is prefixed (or to answer to the information against you for the sin or scandal of _____, laid to your charge,—or to give evidence in the charge against _____, now pending before said Presbytery.) Served this _____ day of _____, 18 _____, before these witnesses,—A. W. and R. S., both residents in _____.

C. B., *Officer.*

(The above will also serve in summoning a party or witness before the Kirk-Session, with the necessary change, where a formal summons is required. Generally, however, a verbal citation by the Kirk-officer will be found sufficient.)

22. Form of Overture.

Whereas (*here state the grounds of the Overture*): It is humbly overtured by the Very Rev. the Free Church Synod of _____, to the Venerable the General Assembly indicted to meet in the month of May ensuing, that they would take this whole subject into their serious consideration, and devise such measures thereanent as may tend to promote the glory of God and the good of the Church.

A. B., *Minister.*

C. D., *Minister.*

E. F., *Elder.*

23. *Commission to Corresponding Members of Synod.*

At _____, the _____ day of _____ one thousand eight hundred and _____.—Which day and place the Free Church Synod of _____ having met, and been constituted, did, and hereby do, nominate and appoint the Reverend A. B., minister at C., and E. F., ruling elder, their commissioners to correspond with the Very Reverend Synod of _____ at its ensuing meeting, willing them to repair in due time thereto,—attend the several diets thereof,—and consult, vote, and determine in all matters that shall come before the said Synod, to the glory of God and for the good of the Church, according to the Word of God, the Confession of Faith, and Acts and Constitution of this Church, and that at next meeting of this Synod they report or certify that they have fulfilled this appointment. Extracted from the records of the Synod of _____, by
M. N., *Synod-Clerk.*

24. *Certificate of attendance of Corresponding Members.*

That the Reverend A. B., minister at C., and E. F., ruling elder, correspondents from the Very Rev. the Free Church Synod of _____, did, in terms of their commission, attend the Synod of _____, on the _____ days of _____, as corresponding members thereof, is attested by
G. H., *Synod-Clerk.*

25. *Miscellaneous.*

[The following are added, though, with one or two exceptions, not directly connected with the procedure of church courts, as they may be found useful, especially to those who are entering on the duties of the ministerial office.]

(1.) *Baptism.*

It is in accordance with the law of the Church that this sacrament be administered publicly in the face of the congregation. It is administered privately only in exceptional cases,—*e.g.*, where the child is illegitimate, or where it might be injured by the exposure. For the necessary registration see Appendix No. XV. The form is the same where the rite is celebrated privately, except that in the latter case the service is commenced by prayer.

Order of the Service.

[1.] Presentation of the child by the parent. The minister, when the praise after sermon is finished, addressing the parent, who stands up, says—“Present your child for baptism.” The parent having taken his little one in his arms, the minister proceeds: “Is it your desire that this child be admitted to the membership of Christ’s visible church by baptism?” to which the parent assents.

[2.] Address; in which the minister briefly explains the nature and design of the ordinance, and the parent declares his belief in the great doctrines of the gospel, as laid down in the standards of the Church, and professes his

resolution to train up his child in the nurture and admonition of the Lord.

[3.] Brief prayer.

[4.] Baptism. The parent having again taken the little one in his arms, the minister, sprinkling water on the child's face, says—" (*pronouncing the Christian name of the child*), I baptize thee in the name of the Father, and of the Son, and of the Holy Ghost—one God."

[5.] Concluding prayer.

This is followed in church by praise and the apostolic benediction, in the usual way. The minister should, for his own satisfaction, keep a private register of all the baptisms he celebrates, inserting the date, the parents' names, designations, and residence, the child's name, and time of its birth; and, finally, under the head of "remarks" recording any circumstances that he wishes to remember.

(2.) *The Lord's Supper.*

Notice is given of the celebration of this sacrament, from two to four weeks previously, sometimes by reading the Sessional minute from the pulpit, at the close of divine service, authorising it to be celebrated, but always by a brief practical address to intending communicants. On the Communion Sabbath the service is conducted in the usual way till the close of the praise after the action sermon, when the following is then the

Order of the Service.

[1.] Fencing the tables; which is often prefaced by reading

M

the law of God.—(Exod. xx. 1–17.) In this service are described the characters of those who are excluded from, and those who are invited to the sacred table.

[2.] Singing,—*e. g.*, Ps. xxiv. 7–10, or Par. xxxv. While the congregation is thus engaged in praise, the people who happened to be sitting at the tables during the preliminary services retire, and their places are occupied by those who intend to communicate at the first table—their tokens being at the same time received. The elders place the elements on the communion table, and the minister quits the pulpit and takes his place at the head of the table.

[3.] Reading the authority for celebrating the holy ordinance.—(1 Cor. xi. 23–29.)

[4.] Prayer,—often called the consecration prayer, but properly the giving of thanks after the manner of the Saviour.

[5.] Address before communicating.

[6.] The solemn action. The minister distributes the elements,—first the bread, and then the wine,—to a few immediately around him, and the elements are then carried round by the elders, and the communicants hand the bread and the cup from one to another in silence.

[7.] Address after communicating.

[8.] Thanksgiving,—by singing usually a portion of Psalm ciii.

While a few verses of this psalm are thus singing, the communicants at the table slowly retire with praise on their lips, and their places are occupied by those who are to communicate at the second table. This and the succeeding tables, however many may be necessary, are served in the same manner, only that Nos. 3 and 4 are not re-

peated. On the close of the second address, at the last table, there follows :—

[9.] Praise—*e. g.*—Ps. cxvi.¹, 2, 13, 14, 17, 18, &c., or Par. liv. ; while the whole congregation may stand up.

The minister having previously resumed his place in the pulpit, gives,—

[10.] The concluding address.

[11.] Concluding prayer and intercession.

[12.] Concluding praise—*e. g.*—Ps. lxxii. 18, 19, or Ps. cxv. 12–14, or Hymn iv. 5, 6.

[13.] Apostolic benediction.

(3.) *Marriage.*

The minister being satisfied that the banns have been duly proclaimed, and that there is no impediment to the marriage, directs the parties to stand forth. This they do in the following order :—

Bridegroom.

Bride.

Minister.

The following is then the order of the service :—

[1.] Brief prayer.

[2.] Exhortation anent the duties incumbent on married persons. See Gen. ii. 18, 21–24 ; Heb. xiii. 4 ; Eph. v. 22–31 ; Col. iii. 18, 19 ; 1 Peter iii. 1–7.

[3.] The minister then says to the parties, “ Join hands.” This being done, addressing the man, he continues—
“ Will you have this woman to be your married wife ? and do you, in the presence of God and before these witnesses, promise and covenant to be a loving and faithful husband to her, till God shall separate you by death ? ” The

bridegroom having assented, the minister next addresses the woman, and asks—"Will you have this man to be your husband? and do you, in the presence of God and before these witnesses, promise and covenant to be a loving, faithful, and obedient wife to him, till God shall separate you by death?" To this the bride having signified her assent, the minister adds: "I therefore pronounce you husband and wife, according to God's ordinance.—Whom God hath joined together let not man put asunder."

[4.] Concluding prayer.

The parties then sign the schedule, which is also attested by the minister and by two witnesses. (See Appendix No. XV.)

The minister should also keep a private register of the persons he unites in marriage, for his own satisfaction—recording the date, the parties' names, and, under the head of "remarks," stating any farther circumstances deserving to be remembered.

(4.) *Ordination or Induction Service.*

This service is conducted in the usual way, till the close of the praise after sermon, when the following is then the order of the service:—

[1.] Reading of brief narrative of proceedings.

[2.] Questions put,—the person to be admitted standing up.

[3.] Ordination prayer, with imposition of hands. (This is omitted, however, when the person has been already ordained.)

[4.] At the close of the prayer—or at the close of the questions, when already ordained—all standing, the moderator says:—“I do now, in the name of the Lord Jesus Christ, the alone King and Head of his Church, and by the authority of this Presbytery, admit you to the pastoral charge of this congregation; and in token thereof give you the right hand of fellowship, wishing you all comfort and success in the Lord.”

[5.] The minister having returned to the pulpit, gives a charge to the newly-admitted minister, who stands up; and he then briefly addresses the people on their duties.

[6.] Concluding prayer and intercession.

[7.] Concluding praise—*e. g.*, Ps. cxxii. 6, &c., or cxxxii. 13, &c.

[8.] Apostolic benediction.

At the close of the service the people welcome their new minister at the door, as they retire from the church.

(The ordination of elders and deacons is conducted in much the same manner. In their case, however, there is no imposition of hands; and the Session occupies the place of the Presbytery.)

(5.) *Pastoral Visitation.*

Form of Visiting-Book.

Numerous forms have been given of this indispensable companion of the minister in his professional intercourse with his flock. The one here given has been found useful. It is intended that the names of all the congregation, including children, be inserted in it. It requires, of course, frequent revisal and occasional renewal.

Visiting Book.[*Dist.*

Residence.	Names.	Occupation.	Communi- cants.	Remarks.

Order of Visitation.

This must vary according to circumstances. The following is given merely as a specimen :—

[1.] *From House to House.*

- 1st, Fill up statistics in visiting-book.
- 2d, Brief prayer.
- 3d, Reading and exposition of Scripture, bearing chiefly on domestic piety.
- 4th, Speaking to and catechising the children.
- 5th, Concluding prayer.

[2.] *In companies, two or more families assembled together.*

- 1st, Prayer, (and praise, where practicable.)
- 2d, Reading and exposition.
- 3d, Address to various classes—*e. g.*, parents and children, masters and servants, young and old.

4th, Catechising the young.

5th, Concluding prayer and benediction.

(6.) *Burial of the Dead.*

The funeral service commonly consists simply of prayer. In some cases this is preceded by reading a portion of Scripture; and this is to be encouraged as much as possible. There are accordingly subjoined a few passages of Scripture suitable for such occasions:—2 Sam. xii. 15-23; Job iii. 13, &c., vii. 1-11, xiv. 1-15; Ps. xvi., xxxix., xlix., xc.; Eccles. ix. 1-6, 10, xii.; John xi. 1-46; Rom. v. 12, &c.; 1 Cor. xv. 21-34, 35-50, 51, &c.; 2 Cor. v. 1-10; Phil. i. 7, &c.; 1 Thess. iv. 13, &c.; Rev. xiv. 1-5, 12, 13, xx. 6, 11, &c., xxi. 1-8, xxii.

The minister should keep a register for his own satisfaction of the funerals he attends—recording the date, the name, and burial-place of the deceased; and, under the head of “remarks,” stating any farther circumstances deserving to be recorded.

(7.) *Form of Absolution by Minister when moderating in Session or Presbytery.*

After a statement of the nature of the scandal, its guilt and consequences, and an urgent admonition to circumspection in future, the minister says: “In the name of the Lord Jesus Christ the only Head of the Church, and by the authority of this Session (or Presbytery), I hereby absolve you from the scandal of this sin, and dismiss you from censure.”

(8.) *Elder's District Roll.*

Names of Members.	Residence.	Seat.	Tokens.			

(9) *Monthly Return of Superintendents of Sabbath Schools to the Minister, the General Superintendent.*

Free Church Sabbath School.

Return for the month of _____, 185 .

School at _____ .

Sabbaths.	Actual Attendance.		
	Males.	Females.	Total.
1			
2			
3			
4			
5			

Total number of Classes,

Greatest number on Roll,

, *Superintendent.*

No. III.

DECLARATORY ACT ANENT ELECTION OF OFFICE-BEARERS.

(See Assemb. October 1843, vi., &c. and 1846, xiv.)

THE General Assembly declare, that it is not necessary or expedient at present to frame a minute and detailed directory for regulating the election of office-bearers; that the Church should be satisfied with a recognition of general principles, and the adoption of one or two general rules; and that reliance should be placed, in the meantime, upon the spirit which seems generally to actuate both the judicatories and congregations of the Church, for avoiding the necessity of judicially determining some points on which a diversity of opinion might exist, and yet securing general harmony in the appointment of office-bearers, and the peace and welfare of congregations.

The Assembly declare, that the principle has been already recognised, and should be fully and fairly acted on, that "it appertaineth to the people, and to every several congregation,"—that is, to the members of the congregation in full communion with the Church,—“to elect their minister;” and they farther declare, that it is a principle of Presbyterian Church government, that the whole proceedings of a congregation connected with the appointment of a minister should be conducted under Presbyterial superintendence, and that, while this principle requires that the actual election and call of a minister by the congregation should take place in the presence and under the moderation of the Presbytery, or a committee of that body, it likewise implies that no public meeting of

a congregation should be held to take any steps connected with the choice of a minister, unless some member of Presbytery be present to preside at it.

It is also declared, that Presbyteries, on whom devolves the duty of supplying the pulpit during the vacancy, ought to use their endeavour to secure to vacant congregations an opportunity of hearing such probationers as they may wish to hear; and the provision with regard to this in the Directory of 1649 should, as far as possible, be acted on. That provision is, "When any place of the ministry in a congregation is vacant, it is incumbent to the Presbytery, with all diligence, to send one of their number to preach to that congregation, who in his doctrine is to represent to them the necessity of providing the place with a qualified pastor, and to exhort them to fervent prayer and supplication to the Lord, that he would send them a pastor according to his own heart: As also, he is to signify that the Presbytery, out of their care of that flock, will send unto them preachers whom they may hear; and if they have a desire to hear any other, they will endeavour to procure them an hearing of that person or persons, upon the suit of the elders to the Presbytery."

The General Assembly are of opinion, that the present circumstances and necessities of the Church greatly confirm the propriety of what is in itself a good rule, and well fitted to promote the peace and edification of congregations,—viz., that, in general, a Presbytery should not proceed to moderate in a call until they have ground to believe that the congregation are, on the whole, very much of one mind as to the person whom they mean to choose.

There is satisfactory evidence that this was the plan usually followed by the Church under the Revolution Settlement, as well as in earlier times. But this system can be expected to succeed, and to work well, only if the Church courts act fairly upon the great principle, that "it appertaineth to the people, and to every several congregation, to elect their ministers," and, in the execution of the functions which undoubtedly belong to them, such as supplying the vacant pulpit, and moderating in a call, show a reasonable regard to the inclinations and convenience of congregations; and if congregations, on the other hand, are influenced in all the steps they take in regard to the choice of a minister, by a deep sense of the solemnity and importance of the duty they are called upon to discharge, by the habitual recollection that it is from Christ alone they can get duly qualified and useful pastors, and by a sincere determination that all things shall be "done decently and in order," and that the utmost care shall be taken to avoid caballing, party spirit, and division. If congregations would proceed, in all the steps connected with the choice of a minister, under the influence of these convictions and resolutions, the Assembly confidently hope that elections would, in general, be harmonious, if not unanimous; that there would be no occasion for a formal vote, and that not only would useful and acceptable pastors be chosen, but that the members of congregations, instead of being alienated from each other by divisions and contentions, and all the evils of unholy partizanship, would, by their meetings together for prayer and consultation, in regard to the choice of a pastor, be more closely united in the bonds of Christian affection.

With the foregoing statement of principles and general rules, the Assembly would express their earnest hope that these may be acted on by all parties, in such a spirit as not only to render a directory unnecessary, but to promote the general peace of the Church, and the best interests of congregations.

It is finally declared, that the election of elders and deacons should be conducted upon the same general principles as the election of ministers, subject to such modifications as the nature of the case, and the practice and circumstances of the congregation, may suggest.

The General Assembly appoint this Act to be read from the pulpit, on every occasion of the intimation of a vacancy in the pastoral charge.

No. IV.

QUESTIONS TO BE PUT BEFORE ORDINATION TO ELDERS AND DEACONS.

(Assemb. 1846, xii.)

1. Do you believe the Scriptures of the Old and New Testament to be the Word of God, and the only rule of faith and manners?
2. Do you sincerely own and declare the Confession of Faith, approved by former General Assemblies of this Church, to be the confession of your faith; and do you own the doctrine therein contained to be the true doctrine, which you will constantly adhere to?
3. Do you own and acknowledge the Presbyterian

Church government of this Church by Kirk-Sessions, Presbyteries, Provincial Synods, and General Assemblies, to be the only government of this Church; and do you engage to submit thereto, concur therewith, and not to endeavour, directly or indirectly, the prejudice or subversion thereof?

4. Do you believe that the Lord Jesus Christ, as King and Head of the Church, has therein appointed a government in the hands of Church-officers, distinct from, and not subordinate in its own province to, civil government, and that the civil magistrate does not possess jurisdiction or authoritative control over the regulation of the affairs of Christ's Church; and do you approve of the general principles embodied in the Claim, Declaration, and Protest, adopted by the General Assembly of the Church of Scotland in 1842, and in the Protest of ministers and elders, commissioners from Presbyteries to the General Assembly, read in presence of the royal commissioner on 18th May 1843, as declaring the views which are sanctioned by the Word of God and the standards of this Church, with respect to the spirituality and freedom of the Church of Christ, and her subjection to him as her only head, and to his Word as her only standard?

5. Do you promise to observe uniformity of worship and of the administration of all public ordinances within this Church, as the same are at present performed and allowed?

6. Do you accept of the office of an elder [deacon] of this congregation, and promise, through grace, faithfully, diligently, and cheerfully, to discharge all the duties thereof?

No. V.

QUESTIONS TO BE PUT TO PROBATIONERS BEFORE THEY ARE
LICENSED TO PREACH THE GOSPEL.

1. Do you believe the Scriptures of the Old and New Testaments to be the Word of God, and the only rule of faith and manners?

2. Do you sincerely own and believe the whole doctrine of the Confession of Faith, approved by the General Assemblies of this Church, to be the truths of God, contained in the Scriptures of the Old and New Testaments; and do you own the whole doctrine therein contained as the confession of your faith?

3. Do you sincerely own the purity of worship presently authorised and practised in this Church, and also own the Presbyterian government and discipline; and are you persuaded that the said doctrine, worship, and discipline, and Church government, are founded upon the Holy Scriptures, and agreeable thereto?

4. Do you believe that the Lord Jesus Christ, as King and Head of the Church, has therein appointed a government in the hands of Church-officers, distinct from, and not subordinate in its own province to, civil government, and that the civil magistrate does not possess jurisdiction or authoritative control over the regulation of the affairs of Christ's Church; and do you approve of the general principles embodied in the Claim, Declaration, and Protest, adopted by the General Assembly of the Church of Scotland in 1842, and in the Protest of ministers and elders, commissioners from Presbyteries to the General Assembly,

read in presence of the royal commissioner on 18th May 1843, as declaring the views which are sanctioned by the Word of God and the standards of this Church, with respect to the spirituality and freedom of the Church of Christ, and her subjection to Him as her only Head, and to His word as her only standard?

5. Do you promise that, through the grace of God, you will firmly and constantly adhere to, and in your station, to the utmost of your power, assert, maintain, and defend the said doctrine, worship, and discipline, and the government of this Church by Kirk-Sessions, Presbyteries, Provincial Synods, and General Assemblies?

6. Do you promise that in your practice you will conform yourself to the said worship, and submit yourself to the said discipline and government of this Church, and not endeavour, directly or indirectly, the prejudice or subversion of the same?

7. Do you promise that you shall follow no divisive courses from the doctrine, worship, discipline, and government of this Church?

8. Do you renounce all doctrines, tenets, or opinions whatsoever, contrary to, or inconsistent with, the said doctrine, worship, discipline, and government of this Church?

9. Do you promise that you shall subject yourself to the several judicatories of this Church? Are you willing to subscribe to those things?

No. VI.

QUESTIONS TO BE PUT TO PROBATIONERS BEFORE ORDINATION (AND ALSO TO A MINISTER ALREADY ORDAINED, AT HIS ADMISSION TO A PASTORAL CHARGE).

1. Do you believe the Scriptures of the Old and New Testaments to be the Word of God, and the only rule of faith and manners?

2. Do you sincerely own and believe the whole doctrine contained in the Confession of Faith, approved by former General Assemblies of this Church, to be founded upon the Word of God; and do you acknowledge the same as the confession of your faith; and will you firmly and constantly adhere thereto, and to the utmost of your power assert, maintain, and defend the same, and the purity of worship as presently practised in this Church?

3. Do you disown all Popish, Arian, Socinian, Arminian, Erastian, and other doctrines, tenets, and opinions whatsoever, contrary to, and inconsistent with, the foresaid Confession of Faith?

4. Are you persuaded that the Presbyterian government and discipline of this Church are founded upon the Word of God, and agreeable thereto; and do you promise to submit to the said government and discipline, and to concur with the same, and not to endeavour, directly or indirectly, the prejudice or subversion thereof, but to the utmost of your power, in your station, to maintain, support, and defend the said discipline and Presbyterian Government by Kirk-Sessions, Presbyteries, Provincial Synods, and General Assemblies?

5. Do you believe that the Lord Jesus Christ, as King and Head of the Church, has therein appointed a government in the hands of Church-officers distinct from, and not subordinate in its own province to, civil government, and that the civil magistrate does not possess jurisdiction or authoritative control over the regulation of the affairs of Christ's Church; and do you approve of the general principles embodied in the Claim, Declaration, and Protest, adopted by the General Assembly of the Church of Scotland in 1842, and in the Protest of Ministers and Elders, commissioners from Presbyteries to the General Assembly, read in presence of the Royal Commissioner on 18th May 1843, as declaring the views which are sanctioned by the Word of God, and the standards of this Church, with respect to the spirituality and freedom of the Church of Christ, and her subjection to him as her only Head, and to his Word as her only standard?

6. Do you promise to submit yourself willingly and humbly, in the spirit of meekness, unto the admonitions of the brethren of this Presbytery, and to be subject to them, and all other Presbyteries and superior judicatories of this Church, where God in his providence shall cast your lot; and that, according to your power, you shall maintain the unity and peace of this Church against error and schism, notwithstanding of whatsoever trouble or persecution may arise, and that you shall follow no divisive courses from the doctrine, worship, discipline, and government of this Church?

7. Are not zeal for the honour of God, love to Jesus Christ, and desire of saving souls, your great motives and chief inducements to enter into the function of

the holy ministry, and not worldly designs and interests?

8. Have you used any undue methods, either by yourself or others, in procuring this call?

9. Do you engage, in the strength and grace of Jesus Christ, our Lord and Master, to rule well your own family, to live a holy and circumspect life, and faithfully, diligently, and cheerfully to discharge all the parts of the ministerial work, to the edification of the body of Christ?

10. Do you accept of and close with the call to be pastor of this congregation, and promise, through grace, to perform all the duties of a faithful minister of the gospel among this people?

No. VII.

FORMULA TO BE SUBSCRIBED BY PROBATIONERS BEFORE RECEIVING LICENCE, AND BY ALL OFFICE-BEARERS AT THE TIME OF THEIR ADMISSION.

I, _____, do hereby declare, that I do sincerely own and believe the whole doctrine contained in the Confession of Faith, approved by former General Assemblies of this Church, to be the truths of God; and I do own the same as the confession of my faith; as likewise I do own the purity of worship presently authorised and practised in the Free Church of Scotland, and also the Presbyterian government and discipline thereof; which doctrine, worship, and church government, I am persuaded, are founded on the Word of God, and agreeable

thereto: I also approve of the general principles respecting the jurisdiction of the Church, and her subjection to Christ as her only Head, which are contained in the Claim of Right and in the Protest referred to in the questions already put to me; and I promise that, through the grace of God, I shall firmly and constantly adhere to the same, and to the utmost of my power shall, in my station, assert, maintain, and defend the said doctrine, worship, discipline, and government of this Church, by Kirk-Sessions, Presbyteries, Provincial Synods, and General Assemblies, together with the liberty and exclusive jurisdiction thereof; and that I shall, in my practice, conform myself to the said worship, and submit to the said discipline, government, and exclusive jurisdiction, and not endeavour, directly or indirectly, the prejudice or subversion of the same; and I promise that I shall follow no divisive course from the doctrine, worship, discipline, government, and exclusive jurisdiction of this Church, renouncing all doctrines, tenets, and opinions whatsoever, contrary to, or inconsistent with, the said doctrine, worship, discipline, government, or jurisdiction of the same.

No. VIII.

EXTRACT FROM THE REPORT ON THE FORM OF PROCESS SUBMITTED TO THE GENERAL ASSEMBLY OF 1855, AND APPOINTED BY IT TO BE TRANSMITTED TO MEMBERS OF PRESBYTERIES, AS SUGGESTED THEREIN.—(*Vide Acts 1855, Pp. 255-258.*)

The Committee consider that the expression *Superior*

Courts implies that the reference is to be made to the next Superior Court, as the case may be, the Synod, if it meet before the General Assembly, and the Assembly itself, if there be no previous meeting of Synod, and the Commission of Assembly only in the event of the Assembly having specially empowered that body to receive complaints or appeals in the particular case. The Committee think that, if the reference go to the Synod, the Synod may take one of three courses. It may either differ from the Presbytery and dismiss the reference, requiring the Presbytery to try the case themselves; or, secondly, it may sustain the reference, and resolve itself to try the case; or, thirdly, it may sustain the reference, and refer the case on to the General Assembly.

As it is very desirable that the words of the Presbytery's deliverance in such a reference should be clear and exact, the Committee would suggest the following form:—

“It having been duly certified to the Presbytery that the libel against Mr A. B. has now been served in due form, and the matter being now ripe for further procedure, the Presbytery, after careful consideration, find that it does not appear expedient in the circumstances for them to act both as prosecutors and judges, and therefore they hereby refer the case to the Free Provincial Synod of _____, at their meeting in _____ next (or, as the case may be, to the General Assembly, &c.)”

No. IX.

BRIEF ABSTRACT OF THE OVERTURE ANENT SCHOOLS AND EDUCATION.—(Acts of Assemb. 1848, p. 87-90.)

1. *Appointment of Committee, and Licensing of Teachers.*

The Education Committee to be appointed by the Assembly from nominees by the Synods in certain proportions. The acting committee of the general body to be the Board for the examination of all teachers on the Scheme. Every teacher to be examined by the Board, and such certificate given as he is entitled to. Attendance at one of the normal schools to be essential; and for the highest order of certificates, attendance for two sessions at a university.

2. *Election of Teachers.*

(1.) Teachers of congregational schools to be elected by commissioners chosen at a meeting of the congregation, along with the office-bearers,—the commissioners not to exceed the number of office-bearers,—the *jus devolutum* to be vested in the office-bearers. (2.) Teachers of missionary schools to be elected by the acting committee, with the concurrence of the Presbytery. (3.) Teachers of grammar schools to be elected by a body consisting of three from the Synod, and three from the office-bearers of the place where the school is situate. (4.) Teachers of the normal schools to be elected by the acting committee. (5.) Superintendent or inspector of schools to be elected by the Assembly.

3. *Examination of Teachers by Presbyteries, and their Admission to Office.*

Every teacher to be examined by the Presbytery of the bounds, and especially his religious qualifications to be tested, and his soundness in the faith, according to the standards of the Church. The teacher to subscribe the Confession of Faith; then follows admission by the Kirk-Session, or, where not congregational, in any other way the Presbytery may appoint.

4. *Superintendence of Schools.*

Every Presbytery to visit and examine all the schools within its bounds at least once a-year, by committees, or in any other way deemed best; and reports of such visitation to be given in to the committee on or before 15th of April. The superintendent to aid Presbyteries in the inspection of schools, and regularly and periodically, under the direction of the committee, to visit all the schools on the scheme, and especially to devote a week annually to the inspection of each of the normal schools. Every teacher to fill up a schedule on or before 15th of April, from which the committee is to prepare its report to the Assembly. Presbyteries to regulate the hours of teaching, and the books to be used in schools.

5. *Removal and Dismissal of Teachers.*

Any teacher may resign, on giving two months' notice to the moderator of Presbytery; and also, if a teacher of

a congregational school, to the minister. The full period of warning may be dispensed with. Complaints against teachers for heresy, immorality, and insufficiency, to be tried by Presbyteries according to such form of process as the Church may prescribe.

No. X.

PRESENT ARRANGEMENT FOR THEOLOGICAL STUDY AT
EDINBURGH AND ABERDEEN.

1. *Edinburgh.*

- First Year*,.....Junior Hebrew.
Junior Divinity (Dr Bannerman).
Natural Science.
- Second Year*,.....Junior Divinity (Dr Buchanan).
Senior Hebrew.
Junior Church History.
- Third Year*,Junior Exegetical Theology.
Senior Church History.
Senior Divinity (Dr Buchanan).
- Fourth Year*,.....Senior Exegetical Theology.
Senior Divinity (Dr Bannerman).

2. *Aberdeen.*

- First Year*,Apologetical Theology.
Exegetical Study of Gospels.
Junior Hebrew.
- Second Year*,.....Junior Systematic Theology.
Senior Hebrew.

Junior Church History (every alternate year).

Third Year,.....Senior Systematic Theology.

Exegetical Study of Hebrew Scriptures.

Junior Church History, }
 Doctrine of Church and } in alternate
 Pastoral Theology, } years.

Fourth Year,....Senior Church History.

Exegetical Study of Greek Scriptures.

Doctrine of Church and Pastoral Theology (every alternate year).

No. XI.

LIST OF SYNODS, INCLUDING THE PRESBYTERIES WITHIN THEIR BOUNDS, AND TIMES AND PLACES OF THEIR MEETING.

(See Assemb. Oct. 1843, x., and various other Acts.)

I. *Lothian and Tweeddale*.—1. Edinburgh ; 2. Linlithgow ; 3. Biggar and Peebles ; 4. Dalkeith ; 5. Haddington and Dunbar. Meets at Edinburgh on the first Tuesday of May and November. Corresponding Synods, Nos. II., III., V., VII., and IX.

II. *Merse and Teviotdale*.—6. Dunse and Chirnside ; 7. Kelso and Lauder ; 8. Jedburgh ; 9. Selkirk. Meets at Melrose, or at Jedburgh, Kelso, or Dunse, as the Synod may fix, on the fourth Tuesday of April and October. Correspondents, I. and III.

III. *Dumfries*.—10. Lockerby ; 11. Dumfries ; 12.

Penpont. Meets at Dumfries on the third Tuesday of April and October. Correspondents, I., II., IV., and V.

IV. *Galloway*.—13. Stranraer; 14. Wigton; 15. Kirkcudbright. Meets at Newton-Stewart, with power to meet at Kirkcudbright, Wigton, or Stranraer, on the first Tuesday of April and October. Correspondents, III. and V.

V. *Glasgow and Ayr*.—16. Ayr; 17. Irvine; 18. Paisley; 19. Greenock; 20. Hamilton; 21. Lanark; 22. Dumbarton; 23. Glasgow. Meets at Glasgow on the second Tuesday of April and October. Correspondents, I., III., IV., VI., and VII.

VI. *Argyle*.—24. Dunoon and Inverary; 25. Kintyre; 26. Islay; 27. Lorn and Mull. Meets alternately at Lochgilphead, Inverary, Rothesay, Campbelton, and Oban, in regular succession, and according to such order as may be agreed on by the Synod, on the first Wednesday of September. Correspondents, V., VII., VIII., and XV.

VII. *Stirling*.—28. Stirling; 29. Dunblane; 30. Dunfermline. Meets at Stirling on the first Tuesday of April and October. Correspondents, I., V., VI., VIII., and IX.

VIII. *Perth*.—31. Dunkeld; 32. Breadalbane; 33. Perth; 34. Meigle; 35. Auchterarder. Meets at Perth on the third Tuesday of April and October. Correspondents, VI., VII., IX., X., and XI.

IX. *Fife*.—36. Kinross; 37. Kirkcaldy; 38. Cupar; 39. St Andrews. Meets at Cupar, Kirkcaldy, or St Andrews, as the Synod may fix, on the second Tuesday of April and October. Correspondents, I., VII., VIII., and X.

X. *Angus and Mearns*.—40. Forfar; 41. Dundee; 42. Brechin; 43. Arbroath; 44. Fordoun. Meets at Brechin and Dundee, with power to meet at Arbroath or Mon-

trose, on the fourth Tuesday of April and October. Correspondents, VIII., IX., and XI.

XI. *Aberdeen*.—45. Aberdeen; 46. Kincardine O'Neil; 47. Alford; 48. Garioch; 49. Ellon; 50. Deer; 51. Turriff; 52. Banff. Meets at Aberdeen on the second Tuesday of April and October. Correspondents, VIII., X., and XII.

XII. *Moray*.—53. Strathbogie; 54. Abernethy; 55. Aberlour; 56. Elgin; 57. Forres; 58. Inverness; 59. Nairn. Meets alternately at Elgin and Forres, with power to meet at other places within the bounds, on the fourth Tuesday of April and October. Correspondents, XI., XIII., XV.

XIII. *Ross*.—60. Chanonry; 61. Dingwall; 62. Tain. Meets alternately at Chanonry, Dingwall, and Tain, with power to meet at Invergordon, on the third Tuesday of April. Correspondents, XII., XIV., and XV.

XIV. *Sutherland and Caithness*.—63. Dornoch; 64. Tongue; 65. Caithness. Meets at Helmsdale on the last Wednesday of August. Correspondents, XIII., XV., and XVI.

XV. *Glenelg*.—66. Lochcarron; 67. Abertarff; 68. Skye and Uist; 69. Lewis. Meets at Portree and Lochcarron alternately on the first Wednesday of April. Correspondents, VI., XII., XIII., and XIV.

XVI. *Orkney*.—70. Orkney, with synodical powers.

XVII. *Shetland*.—71. Shetland, with synodical powers.

No. XII.

CONDENSED ABSTRACT OF SCHEDULE FOR THE EXAMINATION
OF PRESBYTERIES, ADOPTED BY THE SYNOD OF ABER-
DEEN.

[Two copies of the schedule are sent to each Presbytery two or three months previous to the meeting of Synod. On being filled up, the one is retained by the Presbytery, and the other is transmitted to the Synod-clerk. At the diet of privy censures the returns are read, and a brotherly conference takes place thereanent. These returns are carefully preserved by the Synod, and will form a valuable body of ecclesiastical information.]

1. *Statistics.* The number of congregations and preaching stations, whether filled or vacant, number of elders, deacons, and communicants on roll, stating the increase or decrease. The number of sittings in churches, whether occupied or vacant, with their increase or decrease. The number of congregations having debt, with its amount, and the sum paid off during the preceding twelve months. The number of schools, scholars on the roll, and teachers, and of congregations having schools; the number of Sabbath schools, scholars on roll, and of teachers, male and female. The number of contributors to the Sustentation Fund, with their increase or decrease; the various rates of contributions; the number of congregations contributing to the Educational and Mission Funds by associations; the number of congregational libraries; the amount paid to the congregational poor for twelve months; the number

of cases of discipline taken up by Sessions for twelve months, with the number of communicants included in these; average number of cases to each Session, and proportion of communicants under discipline to the whole membership; the sins most prevalent calling for the exercise of discipline.

2. *Presbyterial superintendence.* (1.) Are Presbyterial visitations kept up, and if so, how often? (2.) Are the records of Kirk-Sessions and Deacons' Courts regularly examined, and the communion rolls attested? (3.) Is due care taken to superintend and encourage promising aspirants to the ministry?

3. *State of religion.* (1.) Are there any indications that the work of God is advancing in any of your congregations? (2.) Are prayer-meetings held in connection with all your congregations, and are they, generally speaking, flourishing or otherwise? (3.) What means are employed to spread the gospel among the careless and destitute, either by the Presbytery or by congregations? (4.) Mention any of the chief causes that lead persons to desert the Free Church. (5.) Can you make any practical suggestions as to the best means of counteracting any tendency to leave the Church? (6.) Are any means employed to spread the distinctive principles of the Church, or to instruct the people in those principles, and what are they? (7.) Are household visitation and catechising kept up in all your congregations? (8.) Are any special means employed in your landward districts for the spiritual and moral elevation of farm-servants? (9.) Do your ministers preach specially on the duties of various classes,—*e. g.*, parents and children,—or address specially such classes, giving intima-

tion of their intention previously? (10.) Can you specify any means employed within your bounds for the spiritual good of the people that have been specially blessed by God?

The above returns and answers are hereby attested in name and by appointment of the Presbytery of _____, by

A. B., *Moderator.*

M. N., *Clerk.*

No. XIII.

STANDING ORDERS OF THE GENERAL ASSEMBLY.

(Assemb. 1853, viii., and 1855, viii.)

I. *As to Commissions to General Assembly.*

1. That all commissions transmitted to the clerks of Assembly shall be revised by them, in so far as regards the regularity of said commissions in point of form, and that the clerks shall prepare and submit a report on the subject to the Committee appointed by the Assembly for the revising of commissions.

2. That the clerks of Assembly shall furnish all Presbytery clerks with printed copies of the form of commission to representatives hitherto in use and hereto appended, and also of the *bona fide* certificates to be used by Kirk-Sessions, according to Act of Assembly 1840, for certifying elders, who are chosen to be commissioners to the General Assembly, a copy of which is likewise annexed.

II. *As to Papers to be transmitted to the Clerks previous to the Meeting of the General Assembly.*

1. That all commissions shall be sent up by the clerks of the respective Presbyteries, so as to be in the hands of the clerks of the General Assembly at least one week before the Assembly meets.

2. That all overtures from Presbyteries and Synods be sent in to the clerks of Assembly at least one week before the meeting of Assembly, in order that they may be duly arranged and printed at the expense of the Assembly for the use of the members; and that said overtures be in the form of certified extracts from the minutes of the court by which the overture is transmitted.

3. That Presbyteries shall transmit to the clerks of Assembly their returns to overtures, at least a week before the meeting of Assembly; that said Presbyterian returns shall consist of certified extracts from the minutes of Presbytery; and that a separate leaf of paper shall be used for the return on each overture sent down by the General Assembly.

4. That papers, in cases intended to be transmitted to the Assembly through the Committee of Bills, shall be given in to the clerks, with petition to the committee by the party or parties transmitting, on the day before the meeting of Assembly if possible, that the same may be so arranged as to promote the greater despatch of business when the Committee of Bills shall meet,—it being understood, however, that this order shall not be considered as dispensing with the attendance of parties at the meeting of committee.

III. *As to Committees for Bills and Overtures.*

1. That the Committees for Bills and Overtures, appointed by the Assembly at their first diet, shall meet on the evening of that day, and again on the following day, half-an-hour before the meeting of Assembly.

2. That the Committee of Bills shall see that all papers presented to them in cases from inferior courts, whether forming part of the record, or produced in evidence before said courts, have been duly dated and numbered by the clerk of said courts, and marked with his initials. And that the committee shall not receive any paper which is not so authenticated, unless upon special cause shown, to be reported by them to the General Assembly.

3. That there shall be no meeting of either committee after the first Monday of the Assembly, except by the leave of the Assembly on special cause shown.

IV. *As to Printing of Papers in Cases coming up to the Assembly.*

1. That all papers passing through the Committee of Bills, viz., Memorials, Petitions, Applications, References, Complaints, and Appeals, with Extracts of Minutes of inferior courts relative thereto, as also Reasons of Complaint or Appeal, and, in cases of libel, the Libel with defences and evidence adduced, shall be printed in sufficient numbers for the use of the members of Assembly (the number required to be annually advertised by the clerks), and that they be lodged in the clerk's office at latest on the first Friday of the sittings of the Assembly.

2. That all papers to be laid on the table of Assembly, shall be printed in the quarto form used in the Court of Session.

3. That in causes, the expense of printing shall be borne by the complainer or appellant, when there is one. When the inferior courts shall refer a cause to the Assembly without pronouncing judgment, the expense shall be borne by the parties mutually, under the certification that the party refusing to pay his share thereof, before the time appointed for laying the same on the table, shall be considered as having deserted the cause, and shall not be entitled to be heard.

4. That in all other cases, such as petitions, &c., the expense shall be borne by the party bringing the matter under the notice of the Assembly.

5. That a copy of every printed paper shall be kept by the clerks of Assembly, to be bound up and kept among the records of Assembly, with a copy of the judgment annexed.

V. *As to the General Assembly.*

I. DEVOTIONAL EXERCISES.

(1.) That the Assembly hold the first diet of the second day of their meeting as a diet to be chiefly spent in devotional exercises.

(2.) That any proposal for a pause in the Assembly's proceedings, with a view to engage in special devotional exercises, shall be made to the Assembly only through the moderator.

2. BUSINESS COMMITTEE.

That the Assembly shall, at their first diet, appoint a committee to arrange the business of the house ;—that said committee shall meet on the following day, and be prepared to make their first report to the Assembly at the second diet of Friday immediately after the reports of the Committees of Bills and Overtures have been read, excepting in so far as they may see fit to make any suggestion at a preceding diet, as to the business to be taken up by the Assembly at the said diet on Friday. And farther, that the Business Committee shall report from time to time to the Assembly until the whole business has been disposed of.

3. REPORTS OF COMMITTEES OF THE CHURCH, &c.

(1.) That reports of all committees shall be lodged with the clerks immediately after they have been read to the Assembly.

(2.) That said reports shall not be engrossed in the record, but that, after being printed, a copy of each, authenticated by the convener of the committee, and certified by one of the clerks, as being that given in to the Assembly, shall be kept *in retentis*, and that the reports thus collected shall be bound up in volumes, to be preserved among other documents of the Assembly.

(3.) That in the event of the Assembly not being prepared to come at once to a deliverance on any particular report which has been read to them, the same may be deferred, on the understanding that the proposed deliverance be tabled not later than the day before the close of the meeting of Assembly, with the view of being printed and

circulated among the members before being taken up and disposed of on the following day.

4. THE CONDUCTING OF CAUSES.

(1.) That as far as may be possible, separate days shall be set apart for causes, and that it be understood that the first Saturday and Monday shall be mainly devoted to this purpose.

(2.) That counsel shall not be heard at the bar in any causes which may come before the house.

(3.) That when a Presbytery acquiesces in the sentence of a Synod, it shall not be entitled to appear as a separate party at the bar of the Assembly, but the members of Presbytery may nevertheless be heard as members of Synod.

(4.) That in no case shall there be more than two speeches for each party at the bar, including the reply to which the appellant or complainer shall be entitled; and when there are more than two parties, there shall only be one speaker, and one speech for each, besides the reply,—it being understood that where there are more than one complainer, each shall be considered as a different party only in case of its appearing to the Assembly that the complaints rest upon distinctly separate grounds.

5. MOTIONS AND VOTES.

(1.) Every motion, whether original or amended, shall be given in to the clerk, in writing, as soon as it shall have been made to the house.

(2.) When a motion is duly seconded, and in possession of the Assembly, it shall not be competent to make any alteration upon it without the permission of the house, excepting in the shape of an amendment, or second or third motion, as the case may be, regularly proposed to the Assembly.

(3.) The person who makes the first motion shall be entitled to the privilege of giving a reply, in which new matter must not be introduced; thereafter the debate shall be held to be definitively closed, and no other person shall be entitled to speak, excepting with regard to the manner of putting the vote.

(4.) All motions after the first shall be considered as amendments on the first, and disposed of accordingly.

(5.) When there are only two motions before the house, the question put to the vote shall be *motion* or *amendment*, or *first* or *second* motion.

(6.) When there are three motions, the first question shall be, whether the second or third motion shall be put as the amendment against the first; and the second question shall be, whether the first motion or the amendment so fixed shall be the decision of the house.

(7.) When there are more than three motions, the first question shall be, whether that last proposed shall be put as the amendment, and so on till only three remain, when the procedure shall be as prescribed in Article 6.

(8.) In causes, it shall not be competent to move an amendment to the motion unless it be of such a nature as to decide the case or to forward it in its progress.

6. DISSENTS.

That no dissents against any deliverance of the Assembly shall be given in until the matter in which it is pronounced is for that sederunt disposed of, the minutes are completed and adjusted, and the house is ready to proceed to other business.

7. DRAFTS OF DECLARATORY OR INTERIM ACTS AND OF OVERTURES.

That the draft of any proposed declaratory or interim

Act, as also the draft of any overture which it is proposed to transmit to Presbyteries for their opinion in terms of the Barrier Act, shall be laid on the table of the Assembly, and printed and circulated among the members, at least one day before a motion be made for the passing of such declaratory or interim act, or for the transmission of such overture to the Presbyteries of the Church.

8. LETTERS ADDRESSED TO THE MODERATOR.

That all letters addressed to the moderator for the purpose of being communicated to the Assembly, shall, in the first instance, be laid before the Business Committee, who shall advise the moderator as to the way of disposing of them.

9. DEPUTATIONS FROM OTHER CHURCHES, &c.

(1.) That deputies from other churches and from societies, shall on their arrival give in their commissions or letters of introduction to the clerks of Assembly, who shall report the same to the Business Committee, that arrangements may be made for receiving them at a convenient time.

(2.) That in the case of strangers who may be desirous of being introduced to the Assembly and addressing the house, notice thereof shall be conveyed to the moderator, who shall report the same to the Business Committee, that they may advise in the matter.

10. VISITATION OF SYNOD RECORDS, AND EXAMINATION OF MINUTES OF STANDING COMMITTEES.

(1.) That the Synod books be called for on the first Tuesday of the Assembly, and that a committee or committees shall be appointed for visiting the same, who shall fill up a *schedule* with the information required by the Assembly regarding each book, said schedule to be returned

on the succeeding Saturday, when the report of the visitors shall be called for.

(2.) That a copy of the report, as sustained by the Assembly, shall be transmitted to the Synod to be engrossed in their record.

(3.) That the records of the Standing Committees of the Church shall be placed annually in the hands of the clerks of Assembly, who shall examine said records and attest the same, in the event of their being found correctly kept, reporting thereon to the General Assembly.

11. PRINTING OF ASSEMBLY'S PROCEEDINGS, &c.

That an abstract of each day's proceedings, together with roll of matters to be taken up on the following day, and notices of meetings of committees, be printed from day to day, and placed in the hands of the members of Assembly.

12. STANDING ORDERS.

That the standing orders be held as read immediately before the appointment of the Business Committee, and that they be printed in the abstract of the first day's proceedings.

The following addition to and alteration of the above were made in 1855:—

1. That the minutes of Standing Committees be laid annually on the table of the Assembly, and visited in the same manner as the Synod records.

2. That no committee shall continue to sit after the moderator shall have taken the chair at any diet of the Assembly's meeting.

3. That the standing orders applicable to Synod books be altered so as to apply also to the minutes of the Standing Committees, and that the standing order as to the records of these committees being placed in the hands of the clerks of Assembly be now omitted, as superseded by the alteration now made.

No. XIV.

WIDOWS' AND ORPHANS' FUND.

A fund for a provision for the widows and children of the ministers of the Free Church and professors in her colleges was established by Act xvi. of Assembly 1845. The rules and regulations regarding it were adopted by Act iii. of Assembly 1846; and, finally, an Act of Parliament was passed ratifying these rules, and giving them the force of law. This is the xiv. and xv. Vict., cap 78—24th July 1851. The Assembly of 1851, Act viii., had previously approved of the bill before Parliament. All other regulations are now repealed, and the Act of Parliament contains the sole regulations now in force. It is printed at length at the end of the Acts of Assembly 1852, pp. 485-495.

Ministers or professors connected previous to the Disruption with the Widows' Fund of the Established Church still retain their connection with it, and have no part in this one; but on all others subscription to this fund is compulsory, and the payments are retained from the Whitsunday dividends of the Sustentation and College Funds.

The contribution is £5 per annum for the Widows' Scheme, and £2 per annum for the Orphans' Scheme, and there is an entry money of £10 payable in two equal yearly instalments, and also a marriage tax of £5 for those under forty-five years of age, and of £10 for those above forty-five, except in the case of a minister marrying a widow in receipt of an annuity from the scheme, when no such tax is payable.

Presbytery clerks are required to report to the treasurer, in such form as may be prescribed by the trustees half-yearly, on the first of May and the first of November, all changes that may have occurred on the rolls of their Presbyteries, bringing down their reports to the first of April and the first of October immediately preceding.

Every minister or professor within two months of his induction must make a return to the treasurer according to a printed schedule; and all ministers and professors connected with the scheme are required to make a yearly return in the month of August, stating the changes, if any, that have occurred in their families during the year preceding the first day of said month, or to certify that no change has taken place. Forms of the necessary schedule may be had on application to the treasurer.

If such returns be not furnished, the Sustentation or College dividends will be withheld from the party neglecting to furnish them until the same be produced.

The fund is vested in twelve trustees, named in the Act of Parliament. The two senior trustees go out of office every year, and two are chosen in their room by the Presbyteries of Edinburgh and Glasgow, specially met for that purpose, immediately on the rising of the Assembly, or

soon after.* A trustee may be re-elected after being one year out of office. Vacancies are filled up by the same electors. All trustees must be either ministers or elders, and they are required to meet at least twice in the course of the year, viz., in May and November, for the transaction of the business of the fund. They have also to make an annual report to the Assembly. Every seven to ten years an investigation is to be made into the state of the fund. Investments are to be made *in cumulo* of the moneys of the fund in heritable or government securities, or in bank stock.

The annuity declared in the act to accrue to each widow is £27, payable at Whitsunday and Martinmas. Her right to said annuity is forfeited by marriage. The annuity declared in the act to accrue to each orphan up to the age of eighteen is £10, if the minister's widow be and continues to be alive, and £15 if his wife or widow be dead. Those annuities are subject to alteration, either in the way of increase or decrease, after any of the periodical investigations of the scheme.

The Fund is at present in a very satisfactory and prosperous condition. At last report (up to March 31, 1855) the accumulated capital amounted to £46,871, 0s. 6½d.

The ministers who were settled in *quoad civilia* parishes previous to the Disruption in May 1843 are still connected, as above stated, with the Widows' Fund of the Established Church. This Fund was instituted in the year 1742, and was confirmed by the Acts 19 and 54 of George III. There are four classes in it, one of which a minister must make choice of soon after his settlement, and must abide

* A list of the present trustees (1856) may be found in Acts of Assembly 1855, p. 250.

by. The following are the present rates of yearly contribution, and the annuities accruing to the widows;—

Class I.	£3	3	0	Annuity, £22	0	0
... II.	4	14	6	...	30	0
... III.	6	6	0	...	38	0
... IV.	7	17	6	...	46	0

By the more recent enactment, the orphan children of contributors also receive annuities till the youngest child has attained the age of eighteen complete.

No. XV.

BRIEF NOTICE OF THE SCOTTISH REGISTRATION ACT (17 and 18 Vict., cap. lxxx., 7th August 1854.)

1. *Births*.—On occasion of the birth of any child, the parents or parent (or the mother in the case of an illegitimate child) must, within twenty-one days thereafter, and under a penalty of twenty shillings in case of failure, attend personally, and give information to the registrar of the parish or district within which the birth occurred. In case of the death or inability of the parents, this duty devolves on the person having charge of the child, or the occupier of the house or tenement where the child was born, or the nurse present at the birth. Failing these, information of the birth is to be given to the registrar by any person having knowledge thereof, on being required to do so, within three months thereafter, under a penalty of forty shillings. On the expiry of three months, registration cannot be effected without the interposition of the sheriff. Notice is to be

given to the registrar, or the inspector of the poor, or the district constable, in the case of any recently born child being found, either dead or alive, under a penalty of forty shillings.

The following particulars are to be stated to the registrar:—(1.) Name of the child, and whether informant was present at the birth. (2.) Sex. (3.) Year, day of month, and hour of birth. (4.) Place of birth; if a lodging, to be stated. (5.) Father's name, rank, profession, or occupation, age, and birth-place. (6.) Mother's name, maiden name, age, and birth-place. (7.) Place and date of parents' marriage, and issue (boys or girls), living or dead. These particulars the informant signs, and the registrar adds his own signature, and the date.

In any case where the name of the child is altered in baptism, provision is made, within six months, to obtain the written authority of the sheriff, whereby the name so altered is inserted in the register; and the minister has to give a certificate of the baptism in the form given below.

When a parent applies for baptism for his child, it is required that he produce to the minister a certificate of the registration of the birth; and failing this, the minister has to intimate the baptism of such child, with all the information which he may have regarding the birth and parentage of such child, to the registrar of the parish in which the parents reside (§ xxxiv.) Such information may be given in these terms:—

I, _____, minister at _____, do hereby certify that I have this day baptized, by the name of _____, a male child, produced to me by _____, as the child of A. B. and C. D., of _____, and declared by the

said to have been born at , in the
 county of , on the day of , one
 thousand eight hundred and .

M. N., *Minister*.

An extract of the registration is to be given to every party registering within two days after the date of the entry, without payment, and the registration itself is gratuitous.

2. *Deaths*.—The nearest relatives present at the death of any person, or the occupier of the house or tenement in which the death took place, must personally give notice of the death to the registrar of the parish or district within eight days thereafter, under a penalty of twenty shillings.

The following particulars have to be given:—(1.) Name, rank, profession, or occupation of deceased. (2.) Sex. (3.) Age. (4.) Place of birth, and how long in the district in which the death occurred. (5.) Parents' names, rank, profession, or occupation. (6.) If the deceased was married, the name of spouse. (7.) Names and ages of children, living or dead, in the order of their birth. (8.) Date of death, specifying the year, day of month, and hour. (9.) Place of death. (10.) Cause of death, how long ill, and name of medical attendant. (11.) Burial place, and name of the undertaker.

These particulars the informant signs; and, when unable to write, it is attested by two witnesses, with their designations. The registrar adds his own name, and the date.

Provision is made in the act for failure to give the above information, as in the case of a birth, but within fourteen days, and under a similar penalty. The medical attendant and the undertaker are required, under certain penalties,

to give information of a death; the former within fourteen days, and the latter within three days, after the interment.

The registrar is bound to give a certificate of the registration gratuitously to the informant.

3. *Marriages*.—The banns of marriage are to be proclaimed, as has been always customary. When the certificate of the proclamation is given out, it is accompanied by a schedule, containing these particulars relative to the persons contracting the marriage, viz.,—(1.) Names, and present and usual residence. (2.) Ages. (3.) Rank or profession. (4.) Condition, *i. e.*, whether bachelor, spinster, widower, or widow. (5.) Number of children, living or dead, by each former marriage. (6.) Birth-place of the parties, with date and place of the registration of their birth. (7.) Names, and rank, profession, or occupation of their parents. (8.) Date, place, and mode of celebration.

This schedule, duly filled up by the registrar, is produced to the minister solemnising the marriage, along with the certificate of the proclamation of banns, and after the ceremony it is signed by the parties contracting the marriage (the bride signing her maiden name), and by witnesses, not less than two, male or female, present, adding their designations, and the word “witness;” and, finally, by the minister, with his designation. The schedule, thus completed and returned to the contracting parties, must be delivered or posted by them to the registrar of the parish where the marriage was solemnised, within three days thereafter, under a penalty not exceeding £10.

Miscellaneous.—All registrations of births, deaths, and marriages, under this act, are made without fee or charge, when done within the times prescribed. The registrar

is bound to furnish gratis to all persons required by the act to give information, who shall apply therefor, printed forms, setting forth the particulars required to be specified and inserted, and copies of § xlvi. (with reference to marriages), and of schedule C (the marriage schedule), shall be furnished by the registrar to any minister at any time applying for the same, for use in the registration of marriages under this act.

Registers are to be kept in duplicate, and annually examined by the sheriff, and duplicates are to be transmitted to the Registrar-General. Indices are to be made of parish registers, and every one is entitled to search said indices, and have an extract of any entry or entries in such registers, for the charge of two shillings. These extracts are admissible as evidence in all parts of her Majesty's dominions.

Where several parties are required by the act to give any notice, it will be sufficient to prevent liability for penalties if one of them shall give the notice required, and such notice may be competently sent by post, if within the time prescribed by the act.

Persons unable to write may adhibit a cross, or other mark; and on this being done in the presence of the registrar or sheriff, or two witnesses (who shall add their designations and the word "witness" to their signatures), such mark shall be binding and effectual. Thus, when either the bridegroom or bride is unable to write, his or her mark must be attested by two witnesses, with their designations.

The following judicious remarks are taken from a statement prepared on this Act by the law advisers of the

United Presbyterian Church, and are worthy of attention:—

“No penalties are imposed by the Act upon ministers for failing to comply with these requirements, reliance being obviously reposed in them, that they will willingly supply, in the prescribed form, all the information which is considered necessary for obtaining an accurate registration of births, the want of which, in this country, has often been productive of loss and inconvenience to individuals.

“Some may think these provisions interfere with them in the discharge of their ministerial duty. If there be interference at all, it is, it must be admitted, done in the least offensive way possible. The whole duty is truly laid on the parents, and ministers are only, in statutory language, asked to see that the parents who come to them for baptism have attended to what is required of them under penalties; and if they do so when application is first made for baptism, they will save themselves all further trouble.

“One part of the Act referred to evidently proceeds on the notion that a name is given to children in baptism,—an idea not unusual even among those who ought to be better informed. It is desirable that parents should be told to fix on the name of their child *before they register the birth*, and get it inserted at once in the register. They will thus save not only the small fee, but also trouble both to themselves and the minister, and in some measure counteract the generally prevalent notion that the giving of a name is part of the rite of baptism.”

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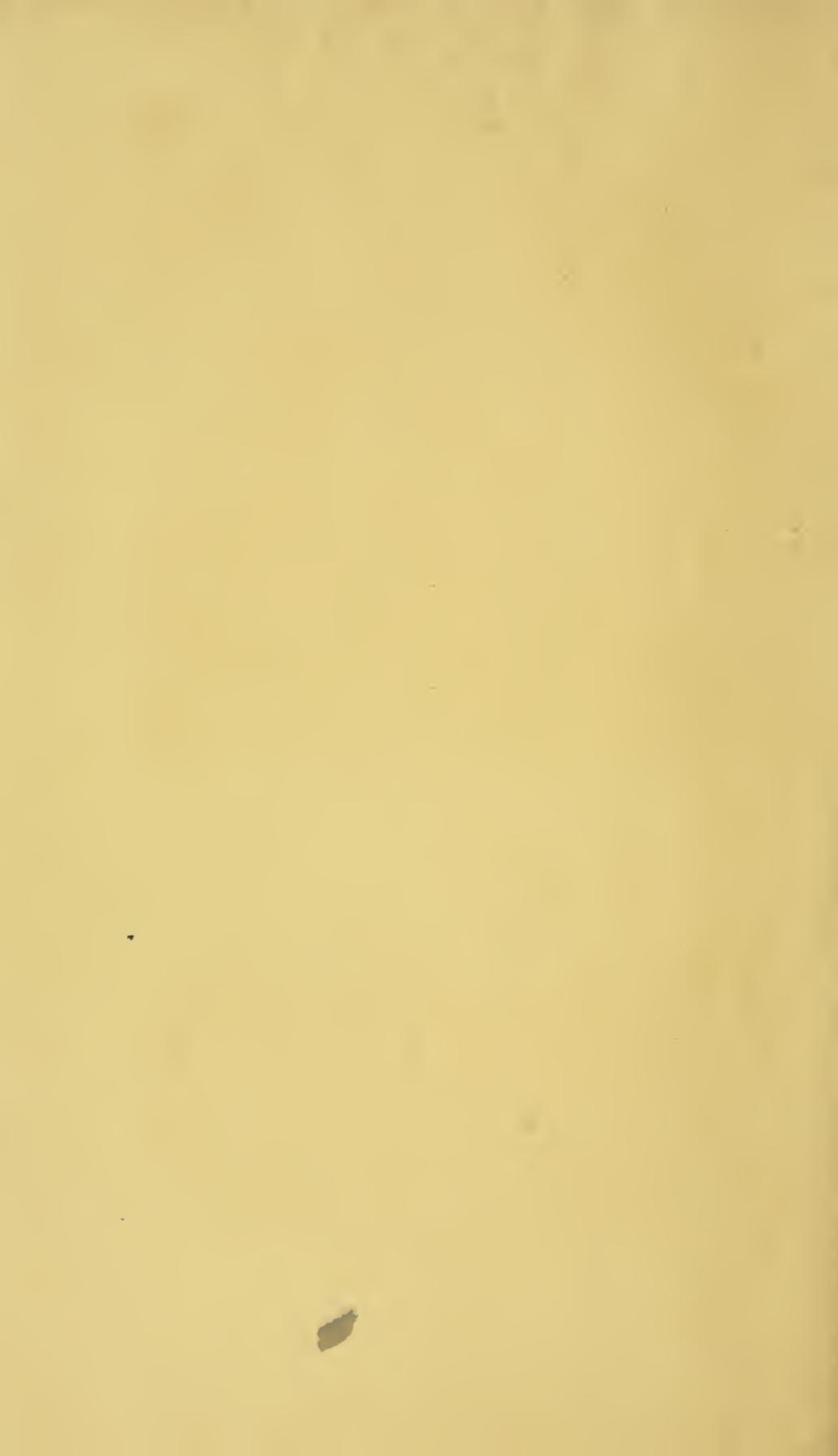
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